

Also, a bill (H. R. 11852) granting an increase of pension to Susan R. Vittoe; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 11853) for the relief of John F. Cassidy; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 11854) granting a pension to Hannah E. Cahay; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11855) for the relief of Jacob S. Steloff; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 11856) granting an increase of pension to William McCloud; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 11857) granting a pension to Elizabeth Walker; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11858) granting a pension to Carrie Howell; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11859) granting a pension to Laura V. Bennett; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 11860) granting a pension to Tabitha E. Isbell; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 11861) granting a pension to Catherine Crow; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11862) granting a pension to Anna R. Little; to the Committee on Pensions.

By Mr. ROACH: A bill (H. R. 11863) for the relief of Chan-  
cey F. Bartholomew; to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 11864) granting a pension to Sarah A. Byam; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11865) granting a pension to Mary E. Gates; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 11866) providing for preliminary examination and survey to be made of the Illinois River, Ill., and its tributaries; to the Committee on Flood Control.

By Mr. TINKHAM: A bill (H. R. 11867) for the relief of Walter P. Crowley; to the Committee on Naval Affairs.

By Mr. UPSHAW: A bill (H. R. 11868) for the relief of the widow of John Curtis Staton; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5844. By Mr. BARBOUR: Petition of Grand Parlor, Native Sons of the Golden West, California, relative to Japanese immigration; to the Committee on Immigration and Naturalization.

5845. Also, petition of Grand Parlor, Native Sons of the Golden West, California, urging that all regulations permitting concessions to be granted for educational, religious, or charitable purposes, also include patriotic purposes; to the Committee on the Judiciary.

5846. Also, petition of the Tulare Fish and Game League, California, and the Tulare County Board of Trade, California, relative to the protection of game in the area which it is proposed to eliminate from the Sequoia National Park; to the Committee on Agriculture.

5847. Also, petition of residents of El Nido, Merced County, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, the so-called Sunday laws; to the Committee on the District of Columbia.

5848. By Mr. BECK: Petition of Mr. William F. Diven and others, of the town of Pine Valley, Clark County, Wis., urging legislation to protect the farmers against filled milk and butter frauds; to the Committee on Ways and Means.

5849. Also, petition of Mr. H. R. Burgdorff, of Oxford, Wis., and others, favoring legislation for the prohibition of the manufacture and sale of filled milk or any other substitute for milk or butter; to the Committee on Ways and Means.

5850. By Mr. CURRY: Petition of Grand Parlor, Native Sons of the Golden West, at its forty-fifth session, held at Oakland, Calif., April 17-21, 1922, advocating exclusion of Asiatic immigration; to the Committee on Immigration and Naturalization.

5851. By Mr. FRENCH: Petition of sundry citizens of the State of Idaho, protesting against the enactment of House bill 9753, and other Sunday bills; to the Committee on the District of Columbia.

5852. By Mr. KISSEL: Petition of International Motor Co., New York City, N. Y., regarding tariff on graphite; to the Committee on Ways and Means.

5853. Also, petition of E. Clemons Horst Co., San Francisco, Calif., regarding foreign trade and finance; to the Committee on Interstate and Foreign Commerce.

5854. By Mr. RAKER: Petition of C. C. Thomas Post, No. 244, Navy Post of the American Legion, San Francisco, Calif., urging support of the Secretary of the Navy's recommendation that \$1,000,000 be appropriated to provide for the Naval Reserve Force; to the Committee on Appropriations.

5855. Also, petition of G. R. Milford, of Redding, Calif., indorsing House bill 5823, known as the public shooting ground and game refuge bill; to the Committee on Agriculture.

5856. Also, petition of Mrs. Helen Hatch, master counselor, and others, of Los Angeles Council of Sadol, International Magian Society, urging immediate action by Congress in behalf of Armenia; to the Committee on Foreign Affairs.

5857. Also, petition of Viall & Co., of Los Angeles, Calif., protesting against paragraph 1116 of House bill 7456; to the Committee on Ways and Means.

5858. By Mr. ROGERS: Evidence in support of House bill 11864, granting a pension to Sarah A. Byam; to the Committee on Pensions.

5859. By Mr. ROUSE: Petition of 17 citizens of Grant County, Ky., protesting against the schedule of freight rates issued for live stock in the territory south of the Ohio River effective June 1, 1922; to the Committee on Interstate and Foreign Commerce.

5860. By Mr. SANDERS of New York: Petition of Belus Calkins, jr., Kate Zehler, Mary A. Reiber, and Daniel W. Bump, of Varysburg, N. Y., urging the passage of the so-called Bursum-Morgan bill increasing pensions to Civil War pensioners; to the Committee on Invalid Pensions.

5861. By Mr. SNELL: Petition of Saranac Chapter, Daughters of the American Revolution, favoring the passage of the Sterling-Towner education bill; to the Committee on Education.

5862. By Mr. SUMMERS of Washington: Petition of numerous voters of College Place, Wash., protesting against the passage of House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

5863. By Mr. TINKHAM: Petition of Columbus Republican Club of Massachusetts, Revere, Mass., favoring the modification of the naturalization laws; to the Committee on Immigration and Naturalization.

5864. Also, petition of Boston Central Labor Union, favoring an amendment to the Constitution of the United States giving Congress the power to enact legislation to make uniform child-labor laws in the United States; to the Committee on Labor.

5865. By Mr. TOWNER: Petition of F. H. Gray, of Wiscasset, Me., and 18 other citizens of Maine, all employees of the Maine Central Railroad Co., urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

5866. Also, petition of Mr. H. C. Johnson and 37 other citizens of Osnabrock, N. Dak., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5867. Also, petition of Mr. Emil Spiellinger, of Louisville, Ky., and 14 other citizens of the State of Kentucky, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

#### SENATE.

FRIDAY, June 2, 1922.

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

#### WAR DEPARTMENT APPROPRIATIONS.

Mr. McCUMBER. Mr. President, the 30th day of June will soon arrive, and new appropriation bills, of course, will have to go into effect by the 1st day of July. It is quite apparent that we shall have to yield from time to time in the tariff discussion for the purpose of taking up the several appropriation bills. So I am going to move that the tariff bill be temporarily laid aside for the consideration of the Army appropriation bill.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Mr. President, I suggest to the Senator from North Dakota that he ask unanimous consent that the pending tariff bill be laid aside, and that the Army appropriation bill be taken up.

Mr. McCUMBER. Very well; I ask unanimous consent.

Mr. ROBINSON. I have no objection to that course, but I think there ought to be a quorum present, and I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	McLean	Smoot
Borah	Harrison	McNary	Spencer
Brandegee	Heflin	Nelson	Stanley
Bursum	Hitchcock	New	Sterling
Calder	Johnson	Newberry	Sutherland
Cameron	Jones, N. Mex.	Nicholson	Underwood
Capper	Jones, Wash.	Oddie	Wadsworth
Cummins	Kellogg	Page	Walsh, Mass.
Curtis	Kendrick	Pepper	Walsh, Mont.
Dial	Keyes	Poinexter	Warren
Dillingham	Ladd	Ransdell	Watson, Ga.
du Pont	La Follette	Rawson	Watson, Ind.
Frelinghuysen	Lenroot	Robinson	Willis
Glass	Lodge	Sheppard	
Gooding	McCumber	Simmons	
Hale	McKinley	Smith	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present.

The Senator from North Dakota asks unanimous consent that the tariff bill be temporarily laid aside and that the Senate proceed to the consideration of House bill 10871, the Army appropriation bill. Is there objection?

Mr. UNDERWOOD. I desire to ask if it is the policy of those in charge of the bill to continue the consideration of the Army appropriation bill until its conclusion?

Mr. WADSWORTH. If the question is addressed to me, I will say that so far as I am concerned I hope we can keep the Army appropriation bill before the Senate until it is disposed of.

Mr. UNDERWOOD. The reason why I asked the question is because I merely wish to know, for the benefit of those on this side of the Chamber, what the business before the Senate will be; not that I suppose there will be any delay in the consideration of the appropriation bill, but it will probably take some little time.

Mr. BORAH. Mr. President, I do not desire to object to laying aside the tariff bill. At the same time I would like to have, if those in charge of the Army appropriation bill see fit to do so, a postponement of the measure for an hour or two, until we can have time to read the bill.

Mr. WADSWORTH. I will say to the Senator that it will take a great deal longer than an hour or two to read the bill. It is a bill of one hundred and fifty odd pages.

Mr. BORAH. I presume it is the intention to waive the formal reading of the bill for the purpose of considering committee amendments.

Mr. WADSWORTH. I hope that may be done.

Mr. BORAH. That is what I assumed, and that is the reason why I asked that we may have an opportunity to read the bill. Otherwise it puts those of us who have not had an opportunity to read the report and the bill in a position where we can not make progress in determining what we want to discuss, if anything. I think, however, I shall not object, but I hope that if we need a little time later we may have it.

Mr. WADSWORTH. Let me say to the Senator from Idaho that if an item is encountered in the bill on which Senators desire more time for consideration, for one I shall be entirely willing to postpone the consideration of that item and proceed with others.

Mr. WARREN. I hope the chairman of the Committee on Military Affairs will follow that course.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and House bill 10871 is before the Senate as in Committee of the Whole.

Mr. WADSWORTH. A number of Senators have routine business to present, and I yield for that purpose.

#### PETITIONS.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions adopted by the American Chamber of Commerce of the Philippine Islands, urging Congress to decide the permanent status of the Philippine Islands, and further requesting that Congress authorize the appointment of a committee of three American citizens to represent in Washington American interests in the Philippine Islands. The resolutions will be referred to the Committee on Territories and Insular Possessions.

Mr. CURTIS presented a resolution adopted by the Twenty-fourth Annual Congress, Kansas Daughters of the American Revolution, at Pittsburg, Kans., favoring the creation of a national military park and monument at Yorktown, Va., covering the Revolutionary fortifications at that place, which was referred to the Committee on Appropriations.

Mr. CAPPER presented a resolution adopted by the National Conference of Mothers' Congress, at Tacoma, Wash., favoring

the passage of the so-called Capper-Fess physical education bill, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented the petition of Lawrence W. Kutsch and sundry other citizens of Curtice, Ohio, praying for the imposition in the pending tariff bill of a duty of \$2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

Mr. TOWNSEND presented petitions of sundry citizens of Battle Creek, Mich., praying that only a moderate duty on kid gloves be imposed in the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Ashley and Ithaca, in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of \$2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. WILLIS, from the Committee on Commerce, to which was referred the bill (S. 3611) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, reported it with amendments and submitted a report (No. 732) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 3048) for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee, reported it with an amendment and submitted a report (No. 733) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1764) for the relief of J. A. Leslie, reported it without amendment and submitted a report (No. 734) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3570) for the relief of the United Dredging Co. (Rept. No. 735);

A bill (H. R. 7052) for the relief of G. C. Caldwell (Rept. No. 736); and

A bill (H. R. 8374) for the relief of the estate of Frank W. Knight (Rept. No. 737).

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 2960) for the relief of Arthur A. Padmore, reported it without amendment and submitted a report (No. 738) thereon.

Mr. NEW, from the Committee on Military Affairs, to which was referred the bill (S. 3424) to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii, reported it with amendments and submitted a report (No. 739) thereon.

#### REPORT ON PHILIPPINE ISLANDS.

Mr. CAPPER. Mr. President, I report back from the Committee on Printing House Concurrent Resolution No. 47, providing for the printing of 100,000 copies of the report of the special mission to investigate the Philippine Islands, and I submit a report (No. 731) thereon. The Secretary of War is very anxious that we have the report printed at once, and I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. I ask that the concurrent resolution may be read.

The PRESIDENT pro tempore. The Secretary will read the concurrent resolution for the information of the Senate.

The reading clerk read the concurrent resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of the report of the special mission to investigation to the Philippine Islands to the Secretary of War, without the map but with the data on the Philippines preceding and accompanying such report, be, and the same is hereby, ordered printed as a public document, to be distributed as follows: Sixty-five thousand through the document room of the House, 25,000 through the document room of the Senate, 5,000 through the Committee on Insular Affairs of the House, and 5,000 through the Committee on Territories and Insular Possessions of the Senate.*

The PRESIDENT pro tempore. Is there objection to the receipt of the report or to the immediate consideration of the concurrent resolution?

Mr. ROBINSON. Pending that question I desire to ask the Senator from Kansas if this is a report from the Committee on Printing?

Mr. CAPPER. It is.

Mr. ROBINSON. A favorable report?

Mr. CAPPER. It is.

Mr. ROBINSON. A unanimous report?

Mr. CAPPER. A unanimous report.



Mr. ROBINSON. I have no objection to the adoption of the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

#### CONFIRMATION OF ENSIGNS IN THE NAVY.

Mr. HALE. Mr. President, I ask unanimous consent that the Senate may confirm in open executive session the following nominations.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Let the nominations be reported.

Mr. HALE. These are nominations of four members of the graduating class at Annapolis. These men had intended to retire on graduation, but have now decided to stay in the service, and the naval authorities have approved the action.

Mr. UNDERWOOD. This is confirming them the same as we confirmed the other members of the class?

Mr. HALE. Exactly the same.

The PRESIDENT pro tempore. The nominations will be reported for the information of the Senate.

The reading clerk read as follows:

The following named midshipmen to be ensigns in the Navy from the 3d day of June, 1922:

Harold L. Fudge.  
William H. Egan, jr.  
Carl R. Brown.  
Beverly M. Coleman.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none. Without objection, the nominations will be confirmed.

Mr. HALE. I ask that the President be notified.

The PRESIDENT pro tempore. The President will be notified. The Senate resumes its legislative session.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LENROOT:

A bill (S. 3670) granting an increase of pension to Arabella Miller; to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 3671) for the relief of James A. O'Dell and certain other former privates and noncommissioned officers in the military service of the United States; to the Committee on Claims.

By Mr. NEW:

A bill (S. 3672) to amend sections 34 and 40 of the organic act of the Territory of Hawaii; and

A bill (S. 3673) to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kala-wao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes; to the Committee on Territories and Insular Possessions.

#### AMENDMENTS TO HOUSE RIVER AND HARBOR BILL.

Mr. SHEPPARD (for Mr. FLETCHER) submitted amendments providing for improvement works on the inland waterway from Pensacola Bay, Fla., and Mobile Bay, Ala., in accordance with report submitted in House Document No. 610, Sixty-third Congress, second session, a channel 5 feet deep and 40 feet wide, route to be the most practicable and the most economical in final cost; St. Johns River, Fla., from Jacksonville to Palatka, with a view of giving a 20-foot channel to Palatka; St. Johns River, Fla., from Palatka to Lake Monroe, with a view of making cut-offs and improving navigation; Blackwater Bay and River, Fla., and Bayou Chico, Fla., intended to be proposed by him to the bill (H. R. 10766) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

#### IMPERIAL VALLEY AND VICINITY.

Mr. ASHURST submitted the following concurrent resolution (S. Con. Res. 25), which was read, referred to the Committee on Printing, and ordered to be printed:

*Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 142, Sixty-seventh Congress, presented by the Senator from California [Mr. JOHNSON] entitled "Problems of Imperial Valley and Vicinity," of which 3,000 copies shall be for the use of the Senate document room and 2,000 copies for the use of the House document room.*

#### ADDRESS BY HON. D. R. CRISSINGER.

Mr. ODDIE. Mr. President, I ask unanimous consent that that portion of the very able and instructive address by Hon. D. R. Crissinger, Comptroller of the Currency, before the Pennsylvania Bankers' Association at Pittsburgh on May 26, on the maintenance of the gold standard, be printed in the Record in the usual Record type.

There being no objection, the address was ordered to be printed in the Record in 8-point type, as follows:

ADDRESS OF THE COMPTROLLER OF THE CURRENCY, HON. D. R. CRISSINGER, BEFORE THE PENNSYLVANIA BANKERS' ASSOCIATION, PITTSBURGH, PA., MAY 26, 1922.

Almost the last among great financial communities to commit ourselves definitely to the gold standard, we find ourselves now summoned to determine, I may say, for all the world whether that standard shall be maintained or whether we shall abandon it and allow the economic craft to struggle without chart or rudder.

I remember very well the years of the heated controversy over the gold standard. In those times we were constantly being assured that our country was the victim of the gold standard because we were a debtor nation and others controlled the world's gold. We were told that the tendency was for gold constantly to increase in value, compelling the debtor always to pay in a dearer money than that in which he had borrowed.

It was not always easy to answer, for effective answer required the consideration of economic fundamentals concerning production, exchange, and consumption. But in 1896, after a campaign of education in these fundamentals, the verdict was in favor of maintaining a gold standard. I am very sure that if to-day the verdict had to be sought again on those issues the gold standard would win again by a far greater majority.

In the quarter century since 1896 we have seen that this standard does not mean the economic enslavement of a debtor country; rather, it means the assurance of equal opportunity to develop resources and the chance to transform the debtor community into a creditor state. In 1896 we were the greatest borrowing community in the world; in 1922 we find ourselves the greatest lending community, the mainstay and reliance of business, of bankers, of nations, of civilization itself, in the effort to weather the greatest storm that ever burst over mankind.

If the gold standard meant so much of opportunity to us as the great debtor State, how much more must its maintenance mean to us, now that we have become the great creditor Nation. Every argument that could be made in 1896, with however much plausibility, against maintaining the gold standard, now applies with a thousandfold more force in favor of rigidly adhering to it.

We know how absolutely necessary is a uniform monetary standard throughout the world. We know that without it our problems of exchange and of international commerce can not be solved. We realize that the debts which are owing to us, the balances which must be paid to us or by us, must somehow be adjusted to a single, common, universal standard; and that, as these obligations have all been thus far related to or measured by gold, we can not safely depart now from that standard.

Yet with our own interest absolutely bound up in the maintenance of this system we find that our very wealth and good fortune are fast becoming a menace to this system. The security of the gold standard depends on the maintenance of a free gold market, on the comparatively unrestricted flow of gold. If the movements of commodities shall too long continue in a particular direction they must inevitably create a vacuum which can only be filled by a movement in the opposite direction.

In the last eight years the movement of commodities has been away from our shores and the movement of gold has been toward us. The result is, as has been pointed out with possibly tiresome iteration, that our side of the world tends to gather to itself more than it needs of the gold, while the other side, burdened with debts, finds its store of gold constantly reduced and its powers to maintain a gold standard correspondingly weakened. The gold standard can not be maintained by piling up all the gold in one place.

Yet there is every sign that the movement of gold to us will have to continue, unless there shall be some settlement of international debts and such adjustments in governmental finances, international fiscal relations, and the producing and consuming opportunities of the nations as will restore something like equilibrium. At the basis of the trouble we find the huge domestic and international debts of the world—the fundamental disturbance that is destroying trade and commerce and our own industrial prosperity.

Domestic debts impose enormous burdens of taxation, while the international debts interpose well-nigh insurmountable obstacles to the adjustment of exchange relations. With financial exchange in this chaos, commercial transactions are rendered well-nigh impossible, because they tend to become mere speculation in exchange fluctuations.

There must be, first, some determination of policy toward the international debts, and, second, an adjustment of government budgets that will give confidence in the power of States to pay the debts and maintain the gold basis of money,

I do not believe it is possible at this time to reach a final settlement of all the international obligations. But there is absolute necessity that some general policy shall be agreed upon among the nations with reference to these obligations. A beginning must be made, an understanding reached, for balancing budgets and adjusting international debts, so that there may be a start toward international liquidation and stabilization. In the final analysis, we shall see plainly that the preservation of the gold standard depends on bringing all these obligations into a relationship with gold and then placing money on a gold basis and setting out toward ultimate payment in gold.

This is absolutely necessary, lest the stream of gold shall continue to flow toward American shores, until other nations find it impossible to go farther with the pretense of maintaining a gold monetary standard.

I recall, at one critical epoch during the war, reading a letter from London which said—this being a considerable time before America's entry into the war—that unless American financiers should extend credit to the allied nations, then the allies would buy from us, pay in gold, send us their last resources of the yellow metal, and then abandon the gold standard—leaving us with the gold, but depriving it of its monetary value.

I recall the shiver with which I contemplated the consequence of such a policy. We would be left with a vast stock of gold, which, repudiated by other nations, would become well-nigh valueless to us.

Fortunately that crisis was not precipitated. But conditions now, despite that peace has been restored, confront us with a grave danger that this same crisis may be brought before us again. We can not go on indefinitely compelling our creditors to settle with gold, which, once it reaches us, flows inevitably into vaults and there remains, comparatively useless to business either at home or abroad.

There must be adjustments among the nations that will enable them to reckon with confidence upon their financial futures. It is not necessary, as I view it, that Europe shall forthwith begin to pay interest upon its obligations to us. Indeed, to-day that would mean that Europe must drain itself of its remaining gold and break down the gold standard. The only alternative would be for Europe to furnish us with goods, which we could only accept at the price of substituting them for goods produced by our own industries. In either case our last state would be worse than our first.

The most that can be undertaken at this time—and it must be undertaken soon if we are to avoid disaster—is to reach a workable understanding and settlement as to the future of the international debts due us and existing between other countries, and along with this there must be a serious effort to balance budgets and bring costs of government within the capacities of the nations to pay.

It has been proposed that a conference of the various national financial establishments be held to devise measures to restore and maintain the gold standard. In every such discussion it must be kept in mind that the permanency of the gold standard depends fundamentally upon some adjustment or settlement, not cancellation, of all international debts, in terms of gold, so that they can be paid by the contracting parties without sorely impoverishing the people through unbearable burdens of taxes. It is well to remember that the economic possibilities of reconstruction must be measured in units of human energy, and an overload or a lack of such units means default and disaster. In every such effort our country must obviously take a part, for we are not only the leading creditor nation but we have become custodian of the greater share of the world's gold.

Nothing short of complete frankness, understanding, confidence, can serve the purposes of such an international adjustment. There must be perfect candor about policies and programs; complete understanding as to the end sought. There must be a recognition of the fact that the alternative, if we fail to stabilize the old order, is bound to be a cataclysm. In that cataclysm the present social and economic system of the world will face the tremendous question of whether, incapable of protecting itself against its own weakness, it deserves to survive.

Always a firm advocate of the gold standard, I have never been so convinced as I am now of its absolute necessity. We must maintain it and we must bear our part in making the rest of the world maintain it, or else we must be prepared to deal with new standards in the whole field of international intercourse. No man can guess what those standards might be. But, just as faith, honor, and square dealings constitute the only standard to which human conduct can ever be universally related, so in the present state of society one feels that the gold

standard of money is the only one to which we can hope to relate the money systems of the world.

I speak of these things with great earnestness, because lately there have been evidences of a revival, in unexpected places, or sentiment altogether too hospitable toward the old fallacies of cheap and unsound money. Sometimes they have been dressed up in attractive disguises. Some of them, indeed, have been so thoroughly camouflaged that it is hard to recognize them as merely the refurbished and modernized doctrines of "Coin" Harvey, Gen. James B. Weaver, and "Brick" Pomeroy.

But on examination they will be found just that; and we will be wise to stamp them out now, with the inexorable logic of truth and experience. Our country must stand for the policies that are sound and lasting. Others may be tempted into dangerous experiments. We have seen the disastrous consequences of some of these, and we must hold firm for the things we know to be deserving of our confidence.

By such unswerving adherence we will strengthen the faith of others more sorely tempted than ourselves. If we stand firm, we will make a great contribution to the rehabilitation of the world and to the establishment of the new order of things. And I believe we will do this. I believe we will, by wisdom and caution, add much to the contribution we have already made for the salvation of civilized institutions.

#### QUESTION OF PERSONAL PRIVILEGE—QUORUM CALLS.

Mr. EDGE. Mr. President, I rise to a question of personal privilege.

I understand that a new rule has been inaugurated to the effect that Senators arriving in the Chamber in response to a quorum call after the roll call has been concluded and a quorum of Senators have answered to their names are not permitted to be included as having been present. The Senators who are located in the far corner of the Senate Office Building, among whom I happen to be, find it absolutely impossible 50 per cent of the time at least to reach the Senate Chamber before the conclusion of such a call when a quorum is ascertained to be present. Even though they leave their offices on the sounding of the bell, being obliged to make use of various elevator services and the subway trolley, unless they happen to catch a car at the moment they arrive and an elevator as well, they find it practically impossible to reach the Chamber. This morning, although I left my office immediately when the bell rang and reached the Chamber as expeditiously as possible, the roll call had been completed, and I was unable to respond to my name. I find that one or two other Senators are in precisely the same position as am I. If the rule to which I refer is to be invoked it will mean, of course, that the RECORD will show that we were not present on the quorum call.

In these days there is so much adverse criticism of absenteeism and failure to obtain quorums in the Senate that it seems to me there should be some liberality in the application of the rule. Of course, when a second roll call is ordered it is quite possible for a Senator to get on the roll, but when a quorum is secured on the first call, as I have stated, 50 per cent of the time it is impossible for Senators situated as I am to be recorded as present.

#### BITUMINOUS COAL PRODUCTION.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to submit the resolution which I send to the desk, and I ask for immediate action on it. The resolution ought not to provoke debate, for it merely asks for information upon a subject of great interest to the American people at the present time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution referred to by the Senator from Massachusetts?

Mr. WADSWORTH. May we have the resolution reported for the information of the Senate, Mr. President?

The PRESIDENT pro tempore. The Secretary will read the resolution for the information of the Senate.

The Reading Clerk read the resolution (S. Res. 293), as follows:

Whereas it has been reported that as a result of the strike of the bituminous coal miners the consumption of bituminous coal is exceeding the production and that the available surface reserve is being rapidly exhausted; and

Whereas an adequate supply of bituminous coal at reasonable prices is vital to the domestic and industrial welfare of the Nation; and

Whereas it is of utmost importance that the consuming public possess all information possible relating to the present and probable supply and prices of bituminous coal; and

Whereas it has been represented that the Secretary of Commerce has been negotiating with certain coal operators for a voluntary agreement to fix prices during the pending emergency; Therefore be it

Resolved, That the Secretary of Commerce be, and he hereby is, directed to obtain and to report to the Senate, if not incompatible with the public interests, as expeditiously as possible all available facts relating to—



- (1) The present supply of mined bituminous coal;
- (2) The average weekly production and consumption of such coal since April 1, 1922;
- (3) The amount of bituminous coal estimated to be necessary for all uses in the United States until May 1, 1923;
- (4) The effect of such strike upon present coal prices and the probable effect upon such prices if a settlement of that strike is not reached before September 1, 1922;
- (5) What action, if any, has been taken by the United States through its governmental agencies to terminate the strike; and
- (6) What action, if any, has been taken by the United States to protect the consumers of coal from paying exorbitant prices by reason of curtailment of production.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. FRELINGHUYSEN. Mr. President, I do not intend to object to the consideration of the resolution, but I simply wish to refer to the fact that there has been upon the calendar since May 16, 1921, Order of Business 54, being Senate bill 1807, to aid in stabilizing the coal industry. That bill simply calls upon the Secretary of Commerce to procure the very facts which are asked for in the resolution now submitted by the Senator from Massachusetts. If Senators had not three different times objected to the consideration of that bill, possibly by this time it would have been passed and the Senate would have been in possession of the very valuable information which is so necessary to enable the Senate to determine what policy they shall pursue in regard to the coal strike.

I hope before Congress shall finally adjourn that Senators will change their attitude respecting the measure to which I refer and will give the power to the Secretary of Commerce to enable him to procure and report to Congress the true facts concerning the coal industry.

The resolution was considered by unanimous consent and agreed to.

#### AFFAIRS IN SANTO DOMINGO.

Mr. POMERENE. Mr. President, I received on yesterday a letter from a prominent American residing in the Dominican Republic inclosing an extract from an address delivered by the Governor of La Vega Province at the opening of the central highway from the capital to the north of the island, and also a translation of an editorial which appeared in *Pluma y Espada*, a paper published in the island. These two extracts will give the viewpoint of some gentlemen in the island who are not disposed to find fault with everything the American occupation is doing. I commend them to the attention of a few Americans who are disposed to befool the American name and occupation in that island. I ask that, without reading, these two extracts may be inserted in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Translation of a paragraph of the address of the Governor of La Vega Province at the opening of the central highway from the capital to the north.]

You are the representative of the most democratic and most powerful Nation in the world, and you are also chief of the small Dominican State; in your first position, with a true sense of that American grandeur, you can well afford to be benevolent toward those influenced by love of their flag; in your second position as chief of the central government you can well carry out works of moral and political benefit, and this to you would be easy, dealing personally with a naturally calm Dominican people, and by common accord a solution will be found for this important national problem; with the assurance that if you do this the pages of Dominican history that record the acts of your administration will also class you as a member of the family of human benefactors—Jesus Christ, Lee, Jefferson Davis, Lincoln.

[Editorial from *Pluma y Espada*, Velasquez Party organ.]

The point of attack for the "patriots" these days is the Duarte Highway—that the work is no good; that there has not been spent on this work what they said has been spent; that the road will soon be impassable from the fact that it has been so badly constructed; and a whole lot of other things which the "dogs in the manger" are shouting about. Perhaps there is something in the fact of the money invested on the work, but with all the evils of the "carretera" it is undoubtedly a great benefit to the country. Would to God that all the money which the government of occupation spends could be spent on "carreteras." The Carretera Duarte has in reality cost many millions. But we can not complain when we compare that sum with the millions thrown away by native governments on useless works. How much have the Dominicans spent in arsenals, in generals under orders, in revolutionary expenses? How were the loans invested made under the government of Lillís? What was done with the money received in the concessions to Haiti of grand parcels of Dominican land? All these operations and others just as shameful have left a blot on our history upon which we can only look with shame. These loans were only used to buy men, to corrupt men, and to throw our nation's honor in the mud. If all the millions spent by the Dominicans in shameful works had been spent on something like the Carretera Duarte, we would have obtained advantages which result from works of that magnitude. We have nothing to complain of. All the evils from which we are suffering we have bought at an enormous price. If Lillís had not been permitted to negotiate the loans the country would not have had to celebrate later on a convention with the Government of the United States, which convention was the first thing that compromised our independence. But in the madness of the orgies of that time nothing was thought of except filling the pockets, and with no thought for the future of the

Republic. And in the course of years we all suffer, particularly those whose hands are clean of those crimes against the country, from the terrible consequences of all those economical disorders. With all that has been said, we do not pretend to justify the fact that \$5,000,000 has been spent on the Carretera Duarte, it appearing to us that with that amount of money and better administration the work could have been finished better. What we do wish to say, assuming all responsibility, is that for all the evils from which we are suffering we have no one to blame but ourselves. In the management of funds of the nation we have almost always been unscrupulous, not to say bandits, and, of course, we are all now suffering from this. Consequently, I repeat, that it is to be hoped that the government which succeeds the occupation will be composed of honest men, never of those dishonest ones who have placed us where we are now, which leads us to sometimes think that the only method of solution would be suicide.

ADDRESS OF HON. W. G. M'ADOO.

Mr. SIMMONS. Mr. President, on the 24th day of May Hon. W. G. McAdoo delivered at Hutchinson, Kans., a very illuminating address dealing with economic and financial questions, and to some extent with political conditions. I have read it carefully, and I think it is entitled to a place in the RECORD. I ask, without reading, unanimous consent for its insertion in the RECORD in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SPEECH DELIVERED BY W. G. M'ADOO BEFORE THE KANSAS STATE DEMOCRATIC CONVENTION AT HUTCHINSON, KANS., MAY 24, 1922.

The question which most immediately concerns the American people is prosperity. The business man is weary of restricted trade and high taxes. The farmer is worn to a frazzle by heavy losses inflicted upon him through the merciless processes of so-called deflation or "normalcy." Labor is tired of unemployment and would like something else to do than hunting for a job or fighting wage reductions. The vast army of men and women of moderate salaries or small means who are dependent on good business for the opportunity to work are anxious for better times and sufficient pay to meet the cost of living. Everybody is tired of excessive railroad rates, of bad government, and, above all, of bad politics. The recent days of Democratic prosperity shine happily by contrast with these unhappy days of Republican "normalcy." How to regain prosperity persistently demands an answer. Among the most important essentials to its restoration are not alone the preservation but the increase of our foreign trade; and along with that, reduction of taxation, a more equitable distribution of the tax burden, and a tariff law that will not destroy our foreign markets.

Under our system of Government it is difficult to accomplish these ends except through political action. We are in the habit of relying in large part on political action for solution of economic problems and, so long as this continues, wise and well-administered government becomes more and more necessary to the life and prosperity of the people. Therefore, unless we are prepared to accept the evil consequences of the economic mistakes and absurdities that may follow upon the election of the wrong party or the advice of unwise leaders we should not vote blindly on political issues. We should study and understand them. When we apply the same brains to voting on political issues that we do to our business affairs we shall have better government and more prosperity.

An instance of what I mean by solving economic problems through political action is the Federal reserve system. For generations we had suffered financial panics and colossal losses because of a financial system which was both unsound and insufficient for the needs of the Nation. It could be remedied only through political action. The Republican Party, despite its claim that it alone possessed the "best minds" of the Nation, had proven itself during 50 years of power wholly incompetent to solve this problem, and was consistent in its solid opposition to this great reform. But the bill was passed and the Federal reserve system was established under a Democratic administration. The great economic problem involved in our financial system was thus solved through political action.

Why is the preservation and expansion of our foreign trade necessary to our prosperity? Because we produce, under normal conditions, more than we can consume. If this surplus is forced upon our home markets, when they are incapable of absorbing it, our producers are forced to accept ruinous prices, which affect not alone the surplus but the entire product. If the surplus can be marketed abroad at remunerative prices the value of the entire product is favorably affected and losses are turned into profits. Foreign markets are therefore of first importance to our farmers, our workmen, and our producers generally. How are we to preserve and expand our foreign markets? Primarily through political action. If the political action of our Government is such as to close or restrict these markets business depressions are inevitable, with all of their attendant evils of unemployment, stagnation, and general distress.



Republican leaders at Washington seem to be obsessed with the idea that it is to our advantage to isolate ourselves from Europe politically and economically. They have not only refused to cooperate with other nations in establishing peace and order in Europe, but they are now engaged in passing a tariff law which will render still more difficult, if not impossible, the maintenance of our foreign trade.

From the materialistic point of view, and without dismissing the idealistic, which is of great importance, we are deeply concerned in the peace and stability of Europe and the preservation of those great markets for our surplus products. Europe has always been our best customer. Oriental and Latin-American trade, important as they are, do not compare with our interests in Europe. Not alone is European trade larger and more profitable to us than any other trade but European nations owe the United States about \$12,000,000,000, which it is very much to our interest to collect some day. By cooperating, therefore, to the extent of our power in the maintenance of peace and the restoration of stable and prosperous conditions in Europe, we help ourselves in every direction.

The Democratic Party presented a plan for the preservation of European peace, the reestablishment of order, and the reduction of the vast land and naval armaments which are crushing the life out of peoples everywhere. This was embodied in the League of Nations. It would, in my judgment, have been successful had it been adopted. But the Republican Party defeated it and promised the American people, in lieu of that, some sort of organization of nations which would accomplish the same result. They have failed to organize such an association and have done nothing to preserve the peace of Europe or to lift the grinding burden of taxation through a reduction of military armaments. The only step they have taken is to make an alliance with Great Britain, France, and Japan which provides that "if any other power should threaten, by aggressive action, the rights of any of the four nations involved, they will confer with each other for the purpose of determining on the most efficient measures to be taken, jointly or separately" to meet the situation. This is the kind of an alliance which usually leads to war instead of peace, because, when any set of powers enters into such covenants they say, in effect, "We propose to maintain the policies outlined in this agreement against the rest of the world." This means that they must fight if those policies are challenged by other powers who may make a counteralliance against them or run away when the issue is presented.

But this is not its only vice. Under the exaggerated claims Republican leaders make for it, there is danger that the American people may be lulled into the belief that this is all that is required of America to preserve the peace of the world. As evidence of this, Senator Lodge, in a recent speech before the Republican members of the Massachusetts Legislature, claimed that this treaty has done more in "12 weeks for the world's peace than has been done anywhere else" in 24 years. This is, of course, a silly and preposterous claim. Was not the successful ending in 1918 of the goriest war in all history a greater immediate achievement for peace than the four-power Pacific pact of which Senator Lodge boasts? A Democratic administration did that. And could the four-power pact have been made if the war had not first been ended and if Woodrow Wilson's work at Paris had not laid the foundation for the Washington conference? It is the last Democratic administration that did more for world peace in the two years of 1918 and 1919 than had ever been done before by human effort. It is the Republican administration that has not contributed materially to world peace; it has merely postponed the realization of that boon until 1925.

The chief virtue of the four-power pact is the extent to which it may lead the administration into a genuine effort to cooperate with the rest of the world to secure peace. At best the four-power pact is a feeble step in that direction. Senator Lodge admits this in the speech to which I have referred, when he says: "The only obligation we assume is that of consultation, and when the consultation has been held, each nation that was in it is as free to do what she thinks right as she was when she entered the doors."

How can a mere agreement to hold a consultation be reasonably claimed as "more done in 12 weeks for the world's peace than has been done anywhere else in 24 years"? The disagreeable fact is that the four-power pact is no guaranty of the peaceful settlement of international disputes, even between the four powers involved, and that the United States surrenders its freedom of action in other important ways to such an extent that the advantages of consultation may be outweighed. Had the four-power pact provided for arbitra-

tion of disputes between the signatories, a method of peaceful settlement might have been provided, but it specifically leaves the settlement to force if disagreement results from the consultation. The pact, as a peace preserver, was further seriously weakened by the rejection of Senator Robinson's really constructive amendment, which provided that any outside power—such, for instance, as Russia and Germany—which became engaged in a controversy between any one or more of the signatories, should be invited to the conference.

The four-power pact is an alliance. It is the very kind of entangling alliance that Washington reprehended; the very kind of an alliance which, throughout all human history, has been the fruitful cause of wars between nations. It is the very kind of an alliance which America thought she had made forever impossible when we defeated Germany and her allies during the World War. That it is such an alliance is conclusively shown by the fact that it binds the United States to act with a limited group of powers from which other powers interested in the same subject matter are excluded. For instance, it excludes Russia and Germany, each of which has important interests in the Pacific. This alliance has already provoked the inevitable counteralliance, that recently consummated at Genoa between Germany and Russia. That these powers will challenge our alliance when their national interests demand it is beyond reasonable doubt. What else could we expect Germany and Russia to do but come together when our policy and that of the other nations of the world have forced them into a position where, for mutual protection, no other course was open to them? Self-preservation among nations, as among individuals, is the first law of nature.

The peace of the world and restoration of order are of transcendent importance. To say that war can not be destroyed is to say that civilization can not be saved. War can be destroyed if the nations of the world, in good faith, organize to destroy it. The United States can take the lead and do this noble thing for mankind. The League of Nations having been defeated, the responsibility rests upon the Republican Party of providing some other effective means of securing the great boon of peace. Republican leadership is confronted with the alternative of standing on the ineffectual four-power pact and doing nothing more to preserve the peace of the world or of calling, in good faith, a meeting of the nations for the purpose of organizing some association or society of nations for the preservation of world peace. Our security as well as the restoration of the stable economic conditions which make for permanent prosperity depend upon the wisdom with which the administration meets this situation.

When we contemplate the flabby and timid diplomacy of the administration we wish for the inspiring days of "shirt-sleeve diplomacy," which made America distinctive and respected everywhere. "Shirt-sleeve diplomacy" meant that we were not afraid to take our place in the councils of the world, to define and assert American opinion and American rights, to vigorously present America's case in the style of diplomacy which the rolled-up shirt sleeve implies. Instead of this heartening picture, we now have the spectacle of our ambassadors and representatives slinking about the courts of Europe, using the back stairs of international assemblages, sitting in the galleries of world conferences, looking on, spying about, observing, but accepting no responsibility. The administration has abandoned "shirt-sleeve diplomacy" for "shirt-tail diplomacy," because our envoys now sit meekly on their shirt tails and take no manly part instead of representing America with the vigor and directness which distinguished our diplomacy in more honorable days. No wonder we have gained the contempt and distrust of all the world.

As the fit mate to the Republican policy of political isolation, Republican leaders are now trying to effect our economic isolation by jamming through the Senate the most iniquitous and indefensible tariff bill ever presented to the American people. With a reckless disregard of the great economic forces which should be permitted to operate, if our own prosperity is to be restored and preserved, these leaders have determined to destroy our foreign markets and to confine American trade and intercourse within the boundaries of the United States. Nothing will do this so effectively as the pending tariff bill. That the farmers, the laboring men, and all classes of our people will pay a heavy price for this stupid policy is certain. The farmer will find inadequate markets for his products, the workingman will find insufficient employment for his labor, business men will find trade restricted and profits reduced, and all of the people, the great consuming public, will find the cost of living increased, whereas the only beneficiaries of this extraordinary piece of economic ineptitude will be the greedy monopolists and selfish interests, which will be given the



power by this bill to collect taxes in disguised form from the American people for their private benefit. The power of taxation should never be exercised by the Government except for the benefit of the Public Treasury, but under this bill the Government transfers its right of taxation to selfish interests and monopolists. It is the frankly declared purpose of the Republican leaders, as stated in the debates in Congress, to prevent, as far as possible, any foreign trade, and to confine American commercial activities to the boundaries of the United States. This bill can not help the farmer, because it will narrow the market for his products with resulting loss in values; and even where he is able to break through the tariff barriers and sell his products in foreign markets, he must meet the competition of Argentina, Canada, Australia, and other agricultural countries against which he can have no protection, whereas on every article he uses he must pay the increased prices which this new tariff bill will certainly impose. The consuming public will be forced to submit to heavier exactions than ever before from greedy profiteers and tariff barons.

And here we may draw a fundamental distinction between the Republican Party and the Democratic Party. The Republican Party is the tool of special privilege—trusts and monopolies and big business. The Democratic Party is the foe of special privilege—the foe of the trusts and greedy monopolists who are forever seeking, through control of the Government, legislation that gives them an advantage over the rest of the people.

What a curious idea it is that we can produce prosperity by imposing higher taxes on everybody and making every necessary of life more costly. That is exactly what this tariff bill will do. It puts a tax on the mouth of every baby and every adult in the land, and in like manner it puts a tax upon the body of every citizen—man, woman, and child—who wears clothes or consumes commodities. The taxes are on consumption, and nothing escapes. These taxes are skillfully concealed in the prices of the commodities, and go not into the Public Treasury for the benefit of the people but into the capacious pockets of the entrenched interests. It is impossible for the consumer to know how much he is paying in the form of concealed taxes. It is a part of the game to prevent him from knowing how much tribute he is paying for the enrichment of some already overrich but conscienceless protected-tariff baron; and when these barons get new fortunes by this illegitimate use of government they are made stronger to buy elections, to put their tools in control of the Government, and to make new raids of rapacity on a hoodwinked people.

A worse time than now for passing a tariff bill, so far as the interests of the people are concerned, could not be selected. The uncertain economic state of the world, the rapid fluctuations in exchange, and the generally unsettled conditions everywhere, make the enactment of a tariff law a wild revel of guesswork, so far as the consumer is concerned. The imposition of excessive duties on our imports is designed to destroy our import trade. If we destroy our import trade we destroy our export trade except as to those things which Europe can not buy elsewhere. That will reduce our export trade to very small proportions, and it is our farmers who will suffer most, because in normal times approximately 50 per cent of all of our exports is represented by the products of agriculture. This will reduce the farmer's buying power, and when he can not buy business suffers, factories shut down, labor is thrown out of employment, and general depression seizes the country. When labor is thrown out of employment or forced to accept less than a living wage, its buying power, like that of the farmer, is reduced; and when the farmer and the laborer are unprosperous the country is unprosperous. We never have real prosperity except when the farmer is able to sell his products at a profit and labor is employed at good wages. The margin between prosperity and depression is represented by a profitable foreign trade. It has been well said that the margin between prosperity and depression is not more than 15 to 20 per cent. It is frequently the pressure of that 15 to 20 per cent of surplus products that brings prices below the cost of production, causing great losses, whereas the absorption of that surplus at good prices establishes the value of the whole and brings prosperity to the country.

I am not so dogmatic about the tariff that I would not be willing to admit that economic conditions might arise where reasonable protection to certain home products may be justified, but in all such cases the schedule in the bill should be written upon the findings of an impartial tariff commission and not by the beneficiary himself. The creation of a nonpartisan Tariff Commission composed of the ablest economists in the country was one of the achievements of the Wilson administration, and

the purpose was to secure through the investigations of that commission accurate information upon which just and scientific tariff laws could from time to time be enacted. Nothing could be fairer to those seeking protection and to the great consuming public, which must foot the bill, than a well-functioning, impartial, and nonpartisan tariff commission. Public opinion must be educated to the necessity of having our tariff bills based upon the reports and findings of this Tariff Commission. It has been thrown into the scrap heap by the Republican majority and the tariff beneficiaries have been permitted to write their own bill.

This tariff bill contains a provision which is so revolutionary and extraordinary, so pregnant with evil, that it is a new menace to the integrity and purity of our form of government. It gives the President the power, solely in his discretion, to raise rates 50 per cent, to change classifications and to embargo importations into this country. That such a law is wholly unconstitutional, I have no doubt, but until the courts so declare it will be the law of the land. It may take years before the Supreme Court can pass on this question. Meanwhile we shall have a congressional election in 1922 and a presidential election in 1924.

I do not wish to be understood as doubting the President's integrity, because I do not; but such power in his hands or in any President's hands is unwise and dangerous. That power if used for partisan ends could control elections and determine the destiny of the Nation. It is a vastly greater power than that possessed by the Congress because, under the Constitution a majority of both houses and the approval of the President are required before a change of duties or classifications can be made or an embargo can be laid. But under this bill the President alone is granted these powers—powers greater and more despotic than any autocrat of modern times has ever possessed—except the late Czar of Russia, where corruption in government, from the dispensation of tariff benefits, was one of the gravest scandals and abuses of that unhappy régime.

No matter how well meaning and honest a President may be, he can be imposed upon by selfish and designing men in the exercise of the wide discretion the proposed bill gives him. Classifications are so technical that the difference between great bounties and no bounties hangs sometimes on a word, or a punctuation mark, or a skillful phrase, and it is the predatory and selfish beneficiary who knows where to put that word or to place that punctuation mark or to phrase the skillful sentence that will give him wealth and advantage. A President, unversed in these technicalities, or careless, or unalert, or swayed unconsciously by partisan influence, may easily be imposed upon to the grave injury of the people. This law if passed makes the President a czar. It subverts our Constitution and alters our form of government, because it transfers legislative powers to the executive. It is one of the most audacious and sinister proposals yet brought forward by the predatory interests and their subservient tools.

The possession of the proposed power and discretion by the President will keep business in a state of constant uncertainty and apprehension. None of those engaged in foreign trade will be able to enter into contracts with the assurance that they can be performed. The President can at any time place an embargo on imports, or he can raise duties, or he can change classifications to the grave injury of business. Through these powers the President can put into effect the discredited and despised and unsound American valuation plan which has aroused strong opposition among business men all over the country. These things will revolutionize business as well as our customs laws. A long line of court decisions which have come down through the century establishing the principles of customs law and appraisals and forming a definite basis for the interpretation of an infinite number of scientific and technical questions of the greatest importance to trade and industry will be thrown out of gear. Business will be thrown into a state of confusion for years while awaiting decisions of the courts and claims running into millions of dollars will have to be paid by the Treasury if the courts fail to sustain the law.

What a preposterous idea this tariff bill is! Its frankly declared purpose is to destroy or restrict our foreign trade. If we destroy it, or reduce it to small proportions, what possible use is there for an American merchant marine? There will be no ocean-going trade for it to carry, and yet our "best mind" Republican leaders are gravely proposing a ship subsidy bill which will take \$40,000,000 or more each year out of the already over-raided pockets of the American people to keep the American flag on the high seas! Why spend this great sum to float our flag around on ships which have no commerce to carry. It would be far more sensible to keep the flag at home along with

our goods which the new tariff bill will prevent us from shipping than to waste \$40,000,000 per annum of the taxpayers' money to float it at sea on empty bottoms.

Internal taxation, like the tariff bill, is another thing that seriously affects our prosperity. The Republican platform of 1920 promised that the tax laws put upon the statute books for both war and peace purposes would be quickly repealed and a beneficent tax law, that would make everybody happy, would be put in its place. The platform said:

But sound policy equally demands the early accomplishment of that real reduction of the tax burden, which may be achieved by substituting simple for complex laws and procedure; prompt and certain determination of the tax liability for delay and uncertainty; tax laws which do not, for tax laws which do, excessively mulct the consumer or needlessly repress enterprise and thrift.

The Republican House and Senate has been in almost continuous session at Washington since March 4, 1921, and it was not until late in that year that the Congress, laboring like the proverbial mountain, brought forth one of the most diminutive of mice in the shape of what the Republicans themselves have admitted is a fizzle and a failure as a revenue measure. It did not reduce the tax burden. Everybody is still suffering because of it. It did not substitute "simple" for "complex" tax laws and procedure. It made them more complex and difficult. It did not provide prompt and certain determination of the tax liability for delay and uncertainty. It aggravated the delays and uncertainties. The Republican "best minds" did not give us tax laws as promised which do not excessively mulct the consumer or needlessly repress enterprise and thrift. They gave us tax laws that do.

The late Senator Penrose, chairman of the Finance Committee which reported the bill, characterized it as a "temporary measure, which does not place the tax system on a suitable or scientific basis." Senator Smoot, Republican, said it would be "condemned by the American people." The newspapers of the country denounced it, almost without exception, as a poor piece of legislation. The New York Globe, a Republican organ, said, "It is not satisfactory, even to the men who voted for it." The Journal of Commerce, organ of business, said:

The pity of the whole situation is that, instead of giving relief to the average man, as it was expected, no doubt, by politicians that the new plan would do, the bill as drafted will hurt him. \* \* \* Altogether it will be a sorry day for the employed man who depends upon his labor when this bill takes effect. His so-called friends have stabbed him in a vital spot while pretending, and perhaps really thinking, that they were helping him.

And it is a temporary measure, so they tell us, and admittedly inadequate and full of faults. The Republicans were able, after seven months of effort, in times of perfect peace, and with all the "best minds" of which they boast, to pass only a temporary measure which gives no satisfaction whatever to anybody; they promise a permanent bill later.

One of the most iniquitous features of this tax measure is that it throws into the courts a great number of new questions which must be decided before the taxpayer can know what the law really means, and it imposes upon the Treasury Department a vast number of new and complex regulations which must also stand the fire of court contests, and involves the department in an infinite amount of new and tedious administrative work which adds to the uncertainties of business transactions and keeps the taxpayer in doubt for many years as to where he stands with respect to his tax liability. The same things will be repeated when the Republicans give us the permanent tax bill they have promised.

This tax bill does, however, reduce the taxes of one class; for instance, it reduces the maximum surtax rates on very large incomes from 65 per cent to 50 per cent. President Harding and the Republican House of Representatives favored reducing the taxes on these very large incomes from 65 per cent to 32 per cent, but the violent outcry from the country at this palpable favoritism to the plutocrats forced the Senate, temporarily and reluctantly, to put the tax at 50 per cent, thus reducing the surtaxes on large incomes 15 per cent, but leaving the surtaxes on small and moderate incomes without relief. Those unfortunate taxpayers whose incomes are only \$1,000,000 to \$50,000,000 per annum were presented with a reduction of 15 per cent. They had to have a wider margin for contributions to the Republican war chest. But taxpayers with small and moderate incomes received little or no reduction. The Republican doctrine is to give to those who have and take everything possible from those who have not.

The administration's foreign policy—noncooperation; its tariff bill, designed to destroy or make negligible our foreign trade and raise the cost of living; its internal-revenue tax bill, which lifted no burdens from the backs of the people and favored only the wealthy classes, who needed no relief, show clearly that the

administration has no sympathy with the needs of the masses of the people and has no sound conception of the vast political and economic problems which face this Nation and the world. Those policies, if maintained, can not bring permanent prosperity to the American people. The heavy speculations in the New York stock market and the slight symptoms of improved business conditions in some trades and in some localities must not be accepted as the certain indications of settled conditions or of returning prosperity. We can not expect permanent prosperity until we have entered upon an enlightened policy of international cooperation with other nations to preserve the peace of the world; until we, by wise action, secure our share of foreign markets; and until we reduce taxes upon business and upon the masses of the American people to the point where their savings will not be appropriated by the Government but left in their hands for the development of enterprise and industry.

The Democratic policy seeks international cooperation to destroy war and to permanently secure peace throughout the world; to preserve and enlarge our foreign markets, so that the farmer and the laboring man and the great masses of our people may get the largest rewards for their thrift and industry; to reduce taxes and redistribute them so that the rich shall not be favored at the expense of the poor, but that the rich and the poor shall bear their just shares of the burdens of government in proportion to their ability to pay. The Democratic Party must stand firmly for these policies. It must continue to be the party of liberalism and of progress. It must continue to be the defender of the rights of the people against the assaults of special privilege. It must never cease to fight for social justice and for equal opportunity for all.

#### EXTENSION OF CHARTERS OF NATIONAL BANKS.

Mr. KING. I am advised that yesterday during my absence House bill 9527 was passed, extending the charters of national banks for 99 years. I had opposed that bill and regret very much that it was brought up in my absence. I wish to enter a motion to reconsider.

Mr. ROBINSON. I desire to inquire whether the Senator has ascertained that the bill is still in possession of the Senate, or has it gone to the House?

The PRESIDENT pro tempore. The Chair is informed that the bill has gone to the House.

Mr. ROBINSON. I suggest that the Senator accompany his motion to reconsider with a motion to request the House of Representatives to return the bill to the Senate.

Mr. KING. I thank the Senator. I move that the House be requested to return the bill to the Senate.

The PRESIDENT pro tempore. Without objection, it will be so ordered, and the motion to reconsider will be entered.

#### LETTER FROM DAVID LAWRENCE.

Mr. CARAWAY. Mr. President, I ask unanimous consent to insert in the RECORD a letter from a gentleman who says I was mistaken about a fact, and I want to do him the courtesy of putting it in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

520 EVENING STAR BUILDING,  
Washington, D. C., June 2, 1922.

DEAR SENATOR CARAWAY: I noticed in the CONGRESSIONAL RECORD this morning an extended comment by you on a story I wrote on Wednesday, May 31, about the Daugherty case. You were under the impression that this story was inspired by the Attorney General himself. This is not so. I have not talked with the Attorney General in several weeks and have never discussed the Morse case with him.

I do not mind telling you that the source of the story was as stated in the article, namely, "friends of Mr. Daugherty," who, I have reason to believe, are familiar with his side of the question. Let me add also that there was no effort on the part of Mr. Daugherty's friends to draw these matters to my attention, but that, following my usual course in controversial matters, I voluntarily sought the views of those who would know the Daugherty side. So the story was not inspired in any sense, but it was the natural result of a reporter's effort to get at both sides of a moot question.

I thank you for your statement in the RECORD that you were confident I was trying to be fair in this matter.

Sincerely yours,

DAVID LAWRENCE.

Senator T. H. CARAWAY,  
The Capitol, Washington, D. C.

#### VIEWS OF SENATOR CULBERSON.

Mr. KING. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type a letter by the senior Senator from Texas [Mr. CULBERSON] to Major Fisher in respect to the Ku-Klux organization, and what, if any, legislation is required with respect to it; also, another letter, which has to do with the attitude of the Senator from Texas upon the Cummins-Esch bill. It is very brief.



There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
Washington, D. C., March 30, 1922.

Major H. V. FISHER,  
Commercial Bank Building, Houston, Texas.

DEAR MAJOR: Your recent letter asking my position with reference to the order known as the Ku Klux Klan which is now in operation in our State was duly received and I answer at the earliest opportunity.

I have no affiliation directly or indirectly with this organization and I am unqualifiedly opposed to its operations. If not curbed, it will usurp the functions of the State and be destructive of government itself. It will indeed overthrow our Anglo-Saxon civilization in its relation to government.

Steps should be taken, therefore, at once to arrest its progress and finally to destroy it.

Appeal can not be made to the Federal Government for this purpose for it is without jurisdiction unless application is made by Texas to the United States in the manner provided by the Constitution for protection against domestic violence, and this is unthinkable.

Fortunately, however, the power of the State is ample, and if no law now exists adequate to the occasion the Legislature may be called in extra session to supply this deficiency.

Truly your friend,

C. A. CULBERSON.

UNITED STATES SENATE,  
Washington, D. C., May 22, 1922.

Hon. ALLISON MAYFIELD, *Chairman*;  
Hon. CLARENCE E. GILMORE, *Commissioner*,  
Railroad Commission of Texas, Austin, Texas.

GENTLEMEN: Replying at the earliest opportunity to your recent letter regarding the Transportation Act of 1920, known as the Esch-Cummins law, I beg to say that, as you know, I voted against this legislation when it passed the Senate originally and will be very glad to support the bill to which you refer to repeal it in its entirety.

I was one of the early advocates of the establishment of a State railroad commission in Texas and have always vigorously defended the right of the State to control the rates on shipments which are wholly within its boundaries.

Very sincerely yours,

C. A. CULBERSON.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McFADDEN, Mr. DALE, and Mr. WINGO were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and a joint resolution, in which it requested the concurrence of the Senate:

H. R. 7299: An act to incorporate the Women's Overseas Service League;

H. R. 10159: An act to further protect interstate and foreign commerce against bribery and other corrupt trade practices;

H. R. 10768: An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stats., p. 670); and

H. J. Res. 337: Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 53) to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the Vice President:

S. 745: An act to amend section 24 and section 256 of the Judicial Code;

H. R. 241: An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois;

H. R. 10925: An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.;

H. R. 11408: An act granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton; and

H. R. 11409: An act granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 10159: An act to further protect interstate and foreign commerce against bribery and other corrupt trade practices; and

H. R. 10768: An act to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. p. 670); to the Committee on Interstate Commerce.

H. R. 7299: An act to incorporate the Women's Overseas Service League; and

H. J. Res. 337: Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922; to the Committee on the Judiciary.

#### EMPLOYMENT OF FEDERAL PRISONERS.

The concurrent resolution (H. Con. Res. 53) to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes, was referred to the Committee on the Judiciary.

#### WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WADSWORTH. I ask that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. WADSWORTH. Mr. President, as preliminary to the reading of the bill, I desire to present a comparative statement of the appropriations for the Army as recommended by the Budget, as contained in the bill as passed by the House, as reported to the Senate, and of last year's appropriation for similar purposes. I ask that it may be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

Amount of bill as passed House	\$287,897,731.67
Amount added by Senate (net)	45,985,120.00
Amount of bill as reported to Senate	333,882,851.67
Amount of estimates for 1923 (includes \$15,180,401 added in House for rivers and harbors and not officially estimated)	374,541,318.47
Amount of appropriations, 1922	356,824,212.41
The bill as reported to the Senate is—	
Under the estimates for 1923	40,658,466.80
Under the appropriations for 1922	52,941,360.74

The President pro tempore. The Secretary will proceed to read the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, line 6, after the figures "1923," to insert "and for other purposes," so as to make the first clause of the bill read:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The amendment was agreed to.

The next amendment was, under the head "Title I—Military activities and other expenses of the War Department incident thereto, Office of Secretary of War," on page 2, line 20, after the word "each," to strike out "7" and to insert "6"; in line 21, before the word "assistant," to strike out "5" and to insert "4"; and in page 3, line 2, after the words "in all," to strike out "\$208,640" and to insert "\$207,080," so as to make the paragraph read:

Salaries: Secretary of War, \$12,000; Assistant Secretary, \$10,000; Assistant and Chief Clerk, who shall sign such official papers and documents as the Secretary may direct, \$4,000; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$2,000; stenographer to the Secretary, \$2,000; clerk to the Assistant Secretary, \$2,400; assistant chief clerk, \$2,400; disbursing clerk, \$2,750; principal clerks—1 \$2,500, 1 \$2,250, 1 \$2,000; chiefs of divisions—2 at \$2,500 each, 2 at \$2,200 each, 1 \$2,000; deputy disbursing clerk, \$2,000; chief telegrapher, \$1,800; clerks—10 of class 4, 10 of class 3, 2 at \$1,500 each, 19 of class 2, 2 at \$1,300 each, 27 of class 1, 1 \$1,100, 5 at \$1,000 each; foreman, \$1,400; carpenter, \$1,200; engineer, \$1,200; assistant engineer, \$720; skilled laborer, \$1,080; chief messenger, \$1,000; messengers—2 at \$1,000 each, 6 at \$840 each; 4 assistant messengers at \$720 each; telephone supervisor, \$1,020; 13 telephone switchboard operators at \$840 each; 5 laborers at \$660 each; chauffeurs—1 \$1,000, 2 at \$840 each; skilled laborer, \$900; 6 watchmen at \$720 each; messenger boy, \$480; charwoman, \$240; in all, \$207,080.

The amendment was agreed to.

The next amendment was, under the subhead "Contingencies of the Army," on page 4, line 19, before the word "authority," to strike out "and" and insert "or," so as to read:

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed \$4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, \$95,000.

The amendment was agreed to.

The next amendment was, under the subhead "General Staff Corps. Contingencies, Military Intelligence Division," on page 6, line 15, after the word "information," to strike out "\$100,000" and to insert "\$225,000," so as to read:

For contingent expenses of the Military Intelligence Division, General Staff Corps, including the purchase of law books, professional books of reference; subscriptions to newspapers and periodicals; drafting, clerical, and messenger services in the Military Intelligence Division in Washington, D. C.; and of the military attachés at the United States embassies and legations abroad and rental of offices for such military attachés; the cost of special instruction at home and abroad, and in maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including \$10,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign States at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$225,000; to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the words "at \$1,400 each," to strike out "18" and to insert "20"; in the same line, before the words "at \$1,200 each," to strike out "20" and to insert "21"; in line 25, before the words "at \$840 each," to strike out "3" and to insert "2"; in the same line, before the words "at \$720 each," to strike out "9" and to insert "6"; and in line 26, after the words "in all," to strike out "\$119,470" and to insert "\$120,470," so as to make the paragraph read:

Clerks, messengers, and laborers, office of the Chief of Staff: Chief clerk, \$2,500; clerks—1 \$2,250, 4 at \$2,000 each, 6 at \$1,800 each, 10 at \$1,600 each, 20 at \$1,400 each, 21 at \$1,200 each, 20 at \$1,000 each; chief messenger, \$1,000; messengers—2 at \$840 each, 6 at \$720 each; laborer, \$720; in all, \$120,470.

Mr. NORRIS. Mr. President, I should like the attention of the Senator from New York for a moment. I am not disposed to make objection to any of the amendments now being considered, but it has occurred to me that later on in the consideration of the bill there will be amendments which will be debated with a view to changing them. For instance, I have in mind the provisions in regard to the size of the Army. It has occurred to me that possibly the number of clerks might depend

to some extent upon the size of the Army. Can we have an understanding that when we come to the consideration of the question of the size of the Army, if the committee amendment is rejected or modified, and it becomes necessary to modify any of the other amendments, there will be no objection to their reconsideration?

Mr. WADSWORTH. There will be no objection to their reconsideration. I may say to the Senate, however, that I think I can say with absolute accuracy that the number of clerks and messengers has been so severely slashed that proportionately they are far below the number which would ordinarily have been employed for an Army of 150,000 men or even for an Army of 133,000 men, which this bill provides for.

Mr. NORRIS. From the slight examination I have been able to make of the bill I think the Senator is absolutely right in that respect; but some Senators who expect to take an active part in the debate on the question of the size of the Army are not in the Chamber at the present time, and I assume, of course, that if there should be any change in the provisions respecting the size of the Army the Senator from New York would not object to reconsidering such amendments as it may be necessary to reconsider.

The PRESIDENT pro tempore. The question is on agreeing to the amendment last stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead, "General service schools, Fort Leavenworth, Kans.," on page 8, line 17, before the word "services," to strike out "or special," and to insert "special and clerical," so as to make the paragraph read:

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; employment of temporary, technical, special and clerical services, including the services of one translator at the rate of \$150 per month; and for other necessary expenses of instruction, at the School of the Line and the General Staff School, Fort Leavenworth, Kans., \$35,000.

The amendment was agreed to.

The next amendment was, under the subhead "Military post exchanges," on page 9, line 8, after the word "established," to strike out "\$75,000," and to insert "\$200,000," so as to read:

For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations, for the conduct of the post exchange, school, library, reading, lunch, amusement rooms; for the conduct and maintenance of hostess houses, chapels, and gymnasiums, including repairs to buildings erected at private cost, in the operation of the act approved May 31, 1902; for the rental of films, purchase of slides, supplies for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established, or which may be hereafter established, \$200,000.

The amendment was agreed to.

The next amendment was, on page 9, line 9, after the word "exceed," to strike out "\$15,000" and to insert "\$60,000," and in line 11, after the word "exceed," to strike out "\$35,000" and to insert "\$90,000," so as to make the proviso read:

Provided, That not to exceed \$60,000 from this appropriation may be expended for the conduct and maintenance of libraries and not to exceed \$90,000 may be expended for the conduct and maintenance of hostess houses.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster supplies, equipment, etc., Reserve Officers' Training Corps," on page 10, at the end of line 24, to strike out "\$2,750,000" and to insert "\$3,600,000," so as to read:

For the procurement and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, and to forage at the expense of the United States public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit; or in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920, \$3,600,000, to remain available until December 31, 1923.

The amendment was agreed to.



The next amendment was, under the subhead "Military supplies and equipment for schools and colleges," on page 12, at the end of line 12, to strike out "\$804" and to insert "\$500," so as to read:

For the procurement and issue as provided in section 55-c of the act approved June 4, 1920, and in section 1225, Revised Statutes, as amended, under such regulations as may be prescribed by the Secretary of War, to schools and colleges, other than those provided for in section 40 of the act above referred to, of such arms, tentage, and equipment, including the transporting of same, and the overhauling and repair of personal equipments, machine-gun outfits, and horse equipments, as the Secretary of War shall deem necessary for proper military training in said schools and colleges, \$500.

The amendment was agreed to.

The next amendment was, under the subhead "Civilian military training camps," on page 12, line 24, after the words "section 47-d" to insert "; for such expenditures as are authorized by said section 47-d as may be necessary for the establishment and maintenance of said camps," so as to read:

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47-d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence, for travel to and from camps, travel allowances at 5 cents per mile, as prescribed in said section 47-d; for such expenditures as are authorized by said section 47-d as may be necessary for the establishment and maintenance of said camps, \$1,800,000.

The amendment was agreed to.

The next amendment was, on page 13, line 2, after "\$1,800,000," to insert: "and no other funds appropriated in this act shall be available for the purposes of this paragraph."

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "over," to strike out "35" and to insert "27," and on line 6, after the word "age," to insert "except those who received training within the fiscal year 1922 and except veterans of the war with Germany, who may be accepted if not over 30 years of age," so as to make the proviso read:

Provided, That the funds herein appropriated shall not be used for the training of any person who is over 27 years of age except those who received training within the fiscal year 1922 and except veterans of the war with Germany who may be accepted if not over 30 years of age.

The amendment was agreed to.

The next amendment was, under the subhead "Adjutant General's Office," on page 14, line 5, before the word "messengers," to strike out "21" and to insert "18"; at the end of the same line, to strike out "43" and to insert "35"; and at the beginning of line 10, to strike out "\$1,156,770" and to insert "\$1,148,490," so as to make the paragraph read:

Salaries: Chief clerk, \$2,750; assistant chief clerk, \$2,400; 5 chiefs of divisions at \$2,400 each; 12 principal clerks at \$2,000 each; clerks—89 of class 4, 90 of class 3, 154 of class 2, 388 of class 1, 48 at \$1,000 each; engineer, \$1,400; firemen—one \$1,000, one \$720; skilled mechanic, \$1,200; typewriter repairer, \$1,100; 18 messengers at \$840 each; 35 assistant messengers at \$720 each; 4 watchmen at \$720 each; 5 skilled laborers at \$840 each; 20 laborers at \$660 each; 11 messenger boys at \$480 each; 11 charwomen at \$240 each; in all, \$1,148,490; all employees provided for by this paragraph for The Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1923.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "States," to insert "and the District of Columbia"; in line 17, after the word "States," to insert "and the District of Columbia"; and in line 20, after the word "Army," to strike out "\$202,000" and to insert "\$250,000"; so as to make the paragraph read:

For expenses incident to completion of the work of furnishing to adjutants general of States and the District of Columbia statements of service of all persons from those States and the District of Columbia who entered the military service during the war with Germany, including the employment of clerical and other help in the office of The Adjutant General of the Army, \$250,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Inspector General," on page 14, line 23, after the word "clerks," to strike out "one" and to insert "two"; in line 25, after the figures "\$840," to strike out "assistant messenger, \$720"; and at the end of line 26; to strike out "\$18,560" and to insert "\$19,640"; so as to make the paragraph read:

Salaries: Chief clerk, \$2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 4 of class 1, 1 \$1,000; messenger, \$840; in all, \$19,640.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Judge Advocate General," on page 15, line 4, before the words "of class 2," to strike out "five" and to insert "seven"; in line 5, after the figures "\$840," to strike out "three assistant messengers at \$720 each" and to insert "assistant messenger, \$720"; and at the end of line 7 to strike out "\$53,060" and to insert "\$54,420"; so as to make the paragraph read:

Salaries: Chief clerk and solicitor, \$2,500; patent expert, \$3,600; clerks—2 of class 4, 4 of class 3, 7 of class 2, 20 of class 1, 2 at \$1,000 each; messenger, \$840; assistant messenger, \$720; 4 charwomen at \$240 each; in all, \$54,420.

The amendment was agreed to.

The ASSISTANT SECRETARY. On page 16 it is proposed to strike out lines 10 to 26, both inclusive—

Mr. NORRIS. Mr. President, I desire to ask the Senator from New York if he will not pass over that amendment for the present.

Mr. WADSWORTH. I am perfectly willing to do that, Mr. President. If we pass it over, it will involve passing over from page 15 to the bottom of page 21.

I desire to ask just exactly how much the Senator from Nebraska wants passed over. The items which follow the bottom of page 21 have to do with the size of the Army. The portion to which the Senator has called attention affects only the commissioned officers. The pay of the enlisted men commences on page 24.

Mr. NORRIS. I should like to have the Senator pass over temporarily everything that pertains to the size of the Army.

Mr. ROBINSON. Mr. President, before that is done I want to ask the Senator a question about the pending amendment for information. Is this amendment so worded as to conform to the new Army pay act?

Mr. WADSWORTH. It is.

Mr. ROBINSON. It conforms to it in every particular?

Mr. WADSWORTH. It does.

Mr. ROBINSON. That is all I desired to understand.

The PRESIDENT pro tempore. The amendment beginning on page 15, line 10, will be passed over.

Mr. WADSWORTH. Mr. President, if it is the desire of the Senator from Nebraska to pass over all amendments or portions of the bill which affect directly or indirectly the size of the Army, the commissioned and enlisted strength, it will be necessary to pass over that portion of the bill commencing on line 9, page 15, to and including line 12 on page 28.

The PRESIDENT pro tempore. Does the Senator from New York suggest that all the amendments prior to line 13 on page 28 be passed over?

Mr. WADSWORTH. Yes. That, I understand, is the desire of the Senator from Nebraska, and I consent to that.

Mr. NORRIS. Yes, Mr. President.

The PRESIDENT pro tempore. All the amendments within those limits will be passed over. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 28, line 15, after the figures "\$1,500," to insert a comma and the words "and for each fiscal year hereafter a like amount during her life is permanently appropriated," so as to make the paragraph read:

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, \$1,500, and for each fiscal year hereafter a like amount during her life is permanently appropriated.

The amendment was agreed to.

The next amendment was, on page 28, line 19, after the figures "\$1,500," to insert a comma and the words "and for each fiscal year hereafter a like amount during her life is permanently appropriated," so as to make the paragraph read:

For amount required to make monthly payments to Mabel H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, \$1,500, and for each fiscal year hereafter a like amount during her life is permanently appropriated.

The amendment was agreed to.

The next amendment was, on page 28, line 25, after the figures "\$1,200," to insert a comma and the words "and for each fiscal year hereafter a like amount during his life is permanently appropriated," so as to make the paragraph read:

For the amount required to make monthly payments to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, \$1,200, and for each fiscal year hereafter a like amount during his life is permanently appropriated.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to strike out:

For compensation of clerks and other employees of the Finance Department, \$1,000,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 4, to insert:

For compensation of clerks and other employees of the Finance Department, \$1,617,000: *Provided*, That \$500,000 of this amount shall be available only for the compensation and traveling expenses of clerks and other employees engaged on work pertaining to the audit of World War contracts, and of this amount not to exceed \$25,000 shall be available for personal services, at salaries not in excess of \$3,000 per annum, in the Office of the Chief of Finance, War Department.

Mr. ROBINSON. Mr. President, that amendment appears to carry a very large increase over the House item, the latter appropriating only \$1,000,000, whereas the Senate amendment provides for \$1,617,000, with certain express limitations upon the use. I inquire of the Senator from New York the occasion for that very large increase in the House item?

Mr. WADSWORTH. Mr. President, this amendment suggested by the committee has to do with an exceedingly important activity in the War Department—an activity which the committee believes will in all probability mean the saving of millions and millions of dollars to the Government.

The Finance Department is charged not only with the keeping of the fiscal accounts of the Army itself and the pay of officers and men, but also with the duty of auditing contracts heretofore entered into, as well as examining and approving fiscal operations upon which the War Department is about to embark.

Since the termination of the World War the finance department of the War Department has been auditing the contracts into which the War Department entered during the war. There are 150,000 of those contracts. With a very limited force of accountants in the finance department, 15,000 of those contracts have been audited, and I may say that these are contracts which have been already in a sense closed. The money has been paid. As a result of the work of the finance department audit, going back over this contract history, there has been recovered from contractors who have sent in their checks voluntarily upon being notified and convinced of errors in the way of overpayment \$1,894,000. In addition to that, the finance department has turned over to the Department of Justice audits as the result of which the Department of Justice is in process of collecting from contractors by legal procedure \$4,370,000. In addition to that, there is now in process of investigation by this same small auditing force of the finance department a number of contracts; and that investigation up to date, although not complete in every respect and ready to be turned over to the Attorney General, indicates the very clear possibility of recovering \$26,645,000 for the Government.

Only 15,000 of these contracts have been audited thus far. There are 135,000 more of them. The Chief of Finance, General Lord—and we heard indirectly, but none the less emphatically, from the Attorney General himself—believes that this work should be expedited. At the present rate of procedure it will take 15 years or more to go over these war-time contracts with this expert audit. The committee, therefore, was thoroughly persuaded that it was the part of wise economy to give them \$600,000 over the appropriation made by the House, in order to enable them to go out and cover this field with greater rapidity. They believe that with an appropriation running annually, such as the committee suggests, they can clean up this work in four or five years. If it is allowed to go beyond four or five years' time, it is the general consensus of opinion that the whole thing will get out of the hands of the Government; witnesses will disappear; papers will disappear and be destroyed; it will be impossible to make an effective audit after three or four years have gone by. We believe that this means millions of dollars recovered to the Government.

Mr. ROBINSON. Mr. President, it is undoubtedly both necessary and advisable that the work of auditing these contracts proceed as speedily as may be, with due consideration to accuracy in results. The statement of the Senator from New York has, in my judgment, justified the increase in the appropriation beyond question. The results which are being obtained and the prospective accomplishments which it is hoped will be brought about through this department support very strongly the very large increase in this item. I am curious to know whether the request for this additional amount was submitted to the House committee, and whether it passed upon the question and then refused it.

Mr. WADSWORTH. My impression is that it was not, but I would not say for certain. A supplemental budget estimate of this increase was sent in, according to my recollection. But I desire to have it understood that my recollection is not entirely clear as to whether the House committee considered it.

Mr. ROBINSON. In view of the statement which the Senator from New York has made, I do not think that would be a controlling consideration with me when I vote, anyway. I merely desired as full information respecting the subject as could possibly be obtained within a brief time. I am satisfied that the Senator from New York has fully justified the increase.

Mr. WADSWORTH. It may be permissible for me to say, just to round out the story, that this work is the foundation and the basis for all the work in the way of prosecution which the Department of Justice may carry on.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, line 24, to strike out "\$1,100,000" and insert "\$1,689,450," so as to make the paragraph read:

#### MILEAGE OF THE ARMY.

For mileage to commissioned officers, warrant officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, \$1,689,450.

The amendment was agreed to.

Mr. WADSWORTH. I am instructed by the Committee on Appropriations to ask unanimous consent to present an amendment to be attached to this paragraph, which, frankly, is in the nature of legislation, but it is a provision which will save the Government a good deal of money.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The READING CLERK. On page 29, line 24, add at the end of the paragraph the following proviso:

*Provided*, That hereafter the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile.

Mr. WADSWORTH. That is contrasted with 8 cents per mile, which is the standing law. The committee believes that for this kind of transportation, for these short trips, for only 15-day periods, 4 cents a mile is ample compensation for the officers thus traveling. Otherwise they would receive 8 cents.

The amendment was agreed to.

The next amendment was, under the subhead "Claims for damages to and loss of private property," on page 30, line 2, after the word "exceed," to strike out "\$500" and insert "\$1,000," and in line 6 to strike out "\$50,000" and insert "\$80,000," so as to read.

For payment of claims of not to exceed \$1,000 in amount for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, \$80,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 11, to insert:

CLAIMS OF OFFICERS, ENLISTED MEN, AND NURSES OF THE ARMY FOR DESTRUCTION OF PRIVATE PROPERTY.

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an act approved March 4, 1921, \$50,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

CLAIMS OF OFFICERS, MEMBERS OF THE NURSE CORPS, AND ENLISTED MEN FOR PAY AND ALLOWANCES, WORLD WAR.

Not exceeding \$500,000 of the unexpended amount of the appropriations for pay, etc., of the Army for the fiscal years 1919 and 1920 is hereby made available for payment for the adjustment and settlement of claims of officers, members of the Nurse Corps, and enlisted men for pay and allowances growing out of service in the World War from April 6, 1917, to June 30, 1919, and from July 1, 1919, to June 30, 1920, inclusive, and shall remain upon the books of the Treasury to the credit of those appropriations until June 30, 1923.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to strike out:

TRANSPORTATION OF WOUNDED AND OTHERWISE DISABLED SOLDIERS, SAILORS, OR MARINES WHEN TRAVELING ON FURLOUGH.

For payment to railroad and steamship companies of the amount required to pay the difference between 1 cent per mile and the scheduled rate for tickets furnished to wounded or otherwise disabled soldiers, sailors, or marines under treatment at any Army, Navy, or other hospital, who are given furloughs in accordance with the provisions of the Army appropriation act of June 5, 1920, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief of Finance," on page 32, line 13, before the words "of class 4," to strike out "28" and to insert "32"; in line 14, before the words "of class 3," to strike out "24" and to insert "20"; in the same line, before the words "of class 2," to strike out "40" and to insert "44"; in line 16, before the word "assistant," to strike out "4" and to insert "2"; at the beginning of line 18, to strike out "four" and to insert "two"; and at the end of line 18, to strike out "\$285,810" and insert "\$285,270"; so as to make the paragraph read:

Salaries: Assistant to Chief of Finance, \$5,000; chief clerk, \$2,750; chiefs of divisions—1 \$3,000, 1 \$2,750; principal clerks—1 \$2,400, 1 \$2,250, 4 at \$2,000 each; clerks—32 of class 4, 20 of class 3, 44 of class 2, 16 at \$1,300 each; 60 of class 1; 2 messengers, at \$840 each; 2 assistant messengers, at \$720 each; auditors for Red Cross accounts—1 \$3,500, 1 \$3,000, 2 at \$2,750 each; in all, \$285,270.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 33, line 21, after the word "ration," to strike out the comma and the words "at the rate of \$0.75 per ration";



in line 22, after the word "allowances," to strike out "of commutation in lieu of rations" and to insert "for quarters and subsistence"; in line 24, after the word "men," to strike out "and male and female nurses"; on page 34, line 1, after the word "including," to strike out "warrant officers of the Mine Planter Service"; in line 7, after the word "contest," to strike out "male and female nurses on leave of absence"; in line 11, after the word "rations," to strike out "for members of the Army Nurse Corps while on duty in hospital, and"; and at the end of line 22, to strike out "\$16,550,000" and to insert "\$17,000,000"; so as to read:

#### QUARTERMASTER CORPS.

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including warrant officers of the Mine Planter Service, enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army: *Provided*, That the sum of \$12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of \$1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration of the regulation allowances for quarters and subsistence to enlisted men on furlough, enlisted men when stationed at places where rations in kind can not be economically issued, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions while traveling to and from places of contest, applicants for enlistment, and general prisoners while traveling under orders. For payment of the regulation allowances of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners sick therein, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$17,000,000.

The amendment was agreed to.

The next amendment was, on page 35, at the beginning of line 1, to insert "other than in Alaska"; and in the same line, after the word "charged," to strike out "do not" and insert "are not estimated to," so as to make the paragraph read:

None of the funds appropriated in this act shall be used for the payment of expenses of operating sales commissaries other than in Alaska at which the prices charged are not estimated to include the customary overhead costs of freight, handling, storage, and delivery, notwithstanding the provisions of the act of July 5, 1884.

The amendment was agreed to.

The next amendment was, on page 35, line 8, after the word "sold," to strike out "does not" and to insert "is not estimated to," so as to make the paragraph read:

None of the funds appropriated in this act shall be used for payment of expenses of operating any utility of the War Department selling services or supplies at which the cost of the services or supplies so sold is not estimated to include all customary overhead costs of labor, rent, light, heat, and other expenses properly chargeable to the conduct of such utility.

The amendment was agreed to.

The next amendment was, on page 36, line 18, after the word "stores," to insert "except at establishments under the direct control of the Chief of Ordnance," so as to read:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; construction and repair of military reservation fences; stoves and heating apparatus required for the use of the Army for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, and enlisted men, warrant officers, and field clerks, including enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902, and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto and the repair thereof;

for ice machines and their maintenance where required for the health and comfort of the troops and for ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; materials for cleaning and preserving ordnance and ordnance stores, except at establishments under the direct control of the Chief of Ordnance; for cold storage; for the construction and maintenance of laundries at military posts in the United States and its island possessions; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of relief maps for issue to organizations, commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor, and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, \$10,932,000.

The amendment was agreed to.

The next amendment was, on page 37, line 23, to increase the appropriation for regular supplies of the Quartermaster Corps from "\$10,932,000" to "\$12,000,000."

The amendment was agreed to.

The next amendment was, on page 38, line 9, before the words "for fuel," to strike out "\$3,000,000" and insert "\$3,500,000"; in the same line, after the word "exceed," to strike out "\$4,000,000" and insert "\$5,000,000"; and in line 12, after the word "exceed," to strike out "\$175,000" and insert "\$200,000," so as to make the proviso read:

*Provided*, That from this appropriation, not to exceed \$850,000 shall be expended for the pay of civilian employees; not to exceed \$1,250,000 shall be expended for power, heat, and electric current; not to exceed \$57,000 shall be expended for maintenance and repair of buildings (including repair of machinery) for laundries; not to exceed \$225,000 shall be expended for the maintenance and repair of heating apparatus (other than stoves); not to exceed \$175,000 for maintenance and repair of electric wiring and fixtures; not to exceed \$15,000 for the repair and exchange of typewriters; not to exceed \$3,500,000 for fuel; not to exceed \$5,000,000 for forage; including salt and vinegar and bedding for animals and straw for soldiers' bedding; not to exceed \$200,000 for ice; and not to exceed \$125,000 shall be expended for stationery.

The amendment was agreed to.

The next amendment was, on page 38, beginning in line 13, to strike out the following additional proviso:

*Provided further*, That the Secretary of War is authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, such horses and mules now being held at remount stations and posts or with organizations of the National Guard or units of the Reserve Officers' Training Corps as are not in actual use.

The amendment was agreed to.

The next amendment was, on page 40, line 3, after the word "hereafter," to strike out "the issue and," and at the beginning of line 5 to strike out "including" and insert "plus," so as to read:

Clothing and equipage: For cloth, woollens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the Mine Planter Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$30, to be issued when necessary to each soldier discharged otherwise than honorably; to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without interment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$5,000,000: *Provided*, That hereafter authorized sales of clothing and other quartermaster supplies shall be at the average current prices, plus all overhead costs, to be determined and fixed by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Transportation of the Army and its supplies," on page 42, line 2, after the word



"allowance," to insert "for payment of transportation costs for dependents of officers and enlisted men," so as to read:

For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including warrant officers, members of the Officers' Reserve Corps, enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty, including the cost of packing and crating; for transportation of recruits and recruiting parties, of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to officers and enlisted men on discharge; for payment of travel allowance as provided in section 3 of the act approved February 28, 1919, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States, and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to discharged prisoners and persons discharged from the Government Hospital for the Insane after transfer thereto from such barracks or place to their homes (or elsewhere, as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding \$4 for those authorized to receive the per diem allowance; for payment of transportation costs for dependents of officers and enlisted men; of clothing and equipment and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid.

The amendment was agreed to.

The next amendment was, on page 44, at the end of line 12, to increase the appropriation for the transportation of the Army and its supplies from "\$16,000,000" to "\$18,000,000."

The amendment was agreed to.

The next amendment was, on page 45, line 14, to increase the appropriation for water and sewers at military posts from "\$1,750,000" to "\$2,000,000."

The amendment was agreed to.

The next amendment was, on page 45, line 15, after the word "exceed," to strike out "\$10,000" and insert "\$25,000," so as to make the proviso read:

*Provided*, That not to exceed \$25,000 of this appropriation shall be expended for new construction work.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 47, line 18, before the name "Benning," to strike out "Camp" and insert "Fort"; and, in line 19, after the word "at," to strike out "Camp Dix, Meade, and Lewis" and insert "Edgewood Arsenal and Camp Lewis," so as to make the paragraph read:

For the construction and enlargement at military posts of such buildings as in the judgment of the Secretary of War may be necessary, including all appurtenances thereto, \$916,000, including \$400,000 for continuing construction of post at Fort Benning, Ga.; \$55,000 for construction of one hospital ward at Letterman General Hospital, San Francisco, Calif.; \$262,000 for general construction at Edgewood Arsenal and Camp Lewis; and \$198,000 for continuing construction and enlargement of barracks for guards at the United States Disciplinary Barracks, Fort Leavenworth, Kans.

The amendment was agreed to.

Mr. WADSWORTH. I am instructed by the Committee on Appropriations to propose an amendment, which is in the nature of legislation, at this point, and to ask unanimous consent for its consideration.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 47, line 16, after the word "Georgia," insert the following proviso:

*Provided*, That apartment buildings may be constructed out of this appropriation at a cost not to exceed \$150,000 each, and to provide for not less than 18 families each.

Mr. BORAH. Will the Senator explain what that is? I did not catch its full import.

Mr. WADSWORTH. The appropriation of \$400,000 for continuing construction at Fort Benning, which comes from the House, impelled the committee to inquire of the officers of the War Department what sort of structures they were building at Fort Benning. We were informed that some of the buildings are to be used as quarters for officers and some for noncommissioned officers. Upon further inquiry we found that it is their plan to build apartment houses for some of the personnel, a plan with which we did not agree, but we ascertained that the apartment houses are going to cost at the rate of \$10,000 per apartment. The committee thought that was a little expensive. The object of the amendment which I have offered is to limit

that cost, in effect, to \$8,000 per apartment. The committee thinks that is enough money to be expended for such a purpose.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts, Hawaiian Islands," on page 48, after line 2, to insert:

For construction of six standard storehouses, including all appurtenances thereto, at not exceeding \$9,000 each, \$54,000.

The amendment was agreed to.

The next amendment was on page 49, line 17, after the name "United States," to strike out "\$2,982,638" and to insert "\$4,000,000"; so as to read:

For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for construction of reclamations plants; for constructing and repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for offices, including members of the Officers' Reserve Corps when ordered to active duty, on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men, men on duty, where public quarters are not available, including enlisted men of the Regular Army Reserve, retired enlisted men, and members of the enlisted Reserve Corps when ordered to active duty; for grounds for cantonments, camp sites, and other military purposes, and for buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks and officers' quarters, and for flooring and framing for tents, and for the National Guard when called or drafted into the service of the United States, \$4,000,000.

The amendment was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The message also announced that the House had passed a joint resolution (H. J. Res. 339) making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill., in which it requested the concurrence of the Senate.

#### ATTORNEY GENERAL DAUGHERTY—THE TARIFF.

Mr. HARRISON. Mr. President, the Public Ledger is one of the great independent Republican papers of the country. Mr. Edward G. Lowry is one of the most reputable newspaper correspondents in America. He wrote an article that appeared in yesterday morning's Public Ledger, and it is copyrighted by the Public Ledger Co. With one exception, the article has so much good advice and embodies so much wisdom that I desire to have it read.

The PRESIDING OFFICER (Mr. LENROOT in the chair). If there be no objection it will be read.

The Assistant Secretary read as follows:

MR. HARDING'S CHANCE—HE COULD PROFIT BY MR. TAFT'S EXPERIENCES THAT HURT HIM AND PARTY.

(By Edward G. Lowry. Copyright, 1922, by Public Ledger Co.)

President Harding could spend a useful and informative evening if he would invite Mr. Taft to come to the White House and tell him the real inside story of the Winona speech and the Ballinger-Pinchot case. The narrative, frankly and fully recounted, might save Mr. Harding and his party associates a hard fall. The President is facing almost the identical situation that confronted Mr. Taft. He has a Cabinet officer under fire in the person of Mr. Daugherty, and presently he will be asked to sign a tariff bill even more extortionate and oppressive in some of its rates than the short-lived Payne-Aldrich Act that proved so destructive to its makers and sponsors.

To this juncture the cases of Mr. Harding and Mr. Taft are strikingly parallel. It is for Mr. Harding to decide whether the analogy and similarity are to continue. Mr. Taft hadn't a political enemy in the world in his first year. All men spoke well of him. After the Winona speech no one spoke well. It was in that speech that he gave his blessing and praise to the Payne-Aldrich bill, which he had just signed. It did for him what "too proud to fight" did for Mr. Wilson. Mr. Taft never recovered his prestige or his popularity while he remained in the White House.

The cases of Ballinger and Daugherty as they first came up to the Executive for consideration and decision are strikingly alike, too. And they were presented to Presidents with many characteristics and qualities in common. Both Mr. Harding and Mr. Taft are essentially kindly men, with a strongly developed sense of personal loyalty to friends and associates. When the associate is also a personal friend the sense of loyalty tends to outweigh and overbalance the sense of public duty.

When the Ballinger case came up to Mr. Taft he waited too long before acting, as he, perhaps, would tell Mr. Harding if asked. Mr. Ballinger was allowed to ripen on the tree, and when he fell he spattered. Neither the public nor any party political interest was served by the delay in removing him. Out of his experience Mr. Taft could advise Mr. Harding that these things are best done quickly, and that the charges, questionings, and suspicions about Mr. Daugherty should



be promptly, thoroughly, and impartially investigated or the Attorney General permitted to "resume the practice of law," as they all say when they quit or are forced out.

The Daugherty matter can not be hushed up. It will go on day by day, assuming larger and larger proportions, if it is not taken firmly in hand now. So it was with Ballinger. When public accusation and public questioning has gone as far as it has in the present instance concerning Mr. Daugherty's fitness for office it becomes a matter for definite settlement. The public welfare is not served by inaction or by allowing the qualifications of a Cabinet member to become a "campaign issue." There are enough real problems and real issues to be settled in this country without bringing a controversy over personalities into the coming campaign.

Senator LENOX was quite right when he said the other day while visiting Gifford Pinchot at Milford:

"There has been a feeling, whether justified or not, that the reactionaries of the party have felt that the overwhelming majority for the Republican Party made it entirely safe for them to insist upon the old methods of government."

By one of the curious recurrences in our politics the group that went out of power with Cannon in 1910 when the revolt within the Republican ranks began is now in power again. A great many shrewd persons at Washington agree with Mr. LENOX that this "old crowd" interpreted the Harding victory as a charter to resume "the old methods of government"—the only methods they know.

Pinchot in Pennsylvania was one public denial and contradiction of this interpretation and Beveridge in Indiana was another. Will the response to inaction in the Daugherty case be a third?

The political men all agree that the country was never less radical than it is now, but that does not mean reactionary. The men who conduct and give the tone and color of policy to this Congress are reactionary, and it is known to even the dullest politician that the country does not hold the Federal Legislature in esteem. Mr. Harding does not share in this disesteem. People still speak well of him. Mr. Taft had his opportunity and did not take it. Mr. Harding can profit by his predecessor's experience if he will.

#### HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 339) making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill., was read twice by its title and referred to the Committee on Appropriations.

#### WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The next amendment of the Committee on Appropriations was, on page 49, after line 19, to insert:

All the money hereinbefore designated under the titles "Regular supplies of the Army," "Water and sewers at military posts," and "Barracks and quarters," shall be disbursed and accounted for as "General appropriations, Quartermaster Corps," and for that purpose shall constitute one fund.

Mr. ROBINSON. That appears to be a legislative provision, and I take it the committee found some urgent necessity for its adoption. I wish the Senator from New York would explain why the committee propose that amendment.

Mr. WADSWORTH. Prior to two years ago, all the appropriations under the head of Quartermaster Corps were considered as of one fund, and were handled in that way. Each appropriation bill carried a provision similar to this, but including all the items.

Two years ago that provision was dropped from the bill for the first time, and last year it was also dropped from the bill, thereby compelling the Quartermaster General to follow the appropriations actually made for the several items. The War Department has always begged us to reinsert a provision of this kind covering all the items, saying that it saved them a lot of bookkeeping and the keeping of extra accounts, but Congress thus far has failed to insert the general provision.

However, the Senate committee in considering the matter at this session made up its mind that it might be well to allow these three accounts, regular supplies, water and sewers at military posts, and barracks and quarters, to be lumped together as one fund, for this reason.

For example, it is necessary to repair a barracks. We find that the money with which the plumbing is to be repaired comes out of "waters and sewers at military posts." The money with which the painting in the bathroom where the plumbing needs repair must be taken out of "barracks and quarters" or from "regular supplies." To do an ordinary repair job at any Army barracks anywhere which would include painting and papering and mending of broken plumbing, the War Department would have to go to three separate accounts. The result is a vast amount of bookkeeping which means nothing to the taxpayer one way or the other. The committee thought these three accounts, which are so closely interwoven, might well be allowed to be lumped together.

Mr. ROBINSON. I suppose the purpose of Congress in insisting upon a separate accounting as to those three items was to maintain a closer supervision over the administration of the fund. I can readily see that the War Department would

experience inconvenience under the system and that it would be much more convenient both in administering and in accounting to do so under the provision which the committee has reported. I shall make no objection to the item.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Barracks and quarters, Philippine Islands," on page 50, line 5, after the word "rents," to insert "and rentals for United States troops in China," so as to read:

Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents and rentals for United States troops in China, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, and for shelter and repair thereof, \$200,000.

The amendment was agreed to.

Mr. POMERENE. Mr. President, before the next matter is taken up I desire to say that I am compelled to be out of the Chamber for a little while, and I want to ask the chairman of the committee a few questions with respect to the appropriations for the United States Military Academy. I shall preface the question which I am about to ask by making a very brief statement.

About a year ago some question came up here about the failure of certain midshipmen to pass the examinations at the Naval Academy, and after a good deal of discussion upon the floor an arrangement was made whereby nearly all those young men who had failed to pass their examinations were readmitted in the lower class. I am happy to say that my information is that most of those midshipmen stand high in their classes now and that they are going to prove a credit to the institution.

At that same time I had information, coming not only from instructors at the academy but from at least one of the Board of Visitors at the academy, which demonstrated conclusively to me that the methods of instruction in the Naval Academy are not up to date; that so far as the naval officers are concerned who were assigned to give instruction in the academy, they were not qualified to perform the duties as they should have been; and that the best qualified instructors—I am speaking generally—in the academy are civilian instructors.

Now there is a movement afoot to dispense with the services of civilian instructors and to place in the Naval Academy a lot of naval officers who have had little or no experience in teaching. As a result, I am satisfied that so far as some of the instructors at the academy are concerned the young men would do just as well and become just as proficient in their studies if they were at home "sitting under a sour-apple tree."

In discussing this subject with a major general in the Army, who is a man who keeps in touch with conditions at the Military Academy, I was told that the same condition prevails at the Military Academy, and that there has been no advance in teaching over methods that prevailed 50 years ago.

The question I want to ask is this: Is there a movement afoot in the Military Academy to do away with civilian instructors there?

Mr. WADSWORTH. I have heard of no such movement. This is the first time the question has ever been directed to me.

Mr. POMERENE. I am convinced that the condition is such at the Military Academy that the Board of Visitors ought to inquire into conditions there to the end that the methods of instruction in the two academies may be equal to those which prevail in the great universities of the country. Anything short of that character of instruction is a discredit to the Nation itself.

I notice there have been some changes made in the appropriations as they appear in the bill as it passed the House. I have not had an opportunity to study them, and I felt that it might not be inopportune to call attention to the situation. I have not any desire to stir up any undue controversy or anything of that kind, but I am intensely interested in the proper training of these young men.

Mr. WARREN. Mr. President, I will say to the Senator from Ohio that, as was stated by the chairman of the subcommittee in charge of the bill, we have heard of no disposition to make changes at West Point Academy along the line the Senator indicates. There happens to have been some presentations made before the subcommittee in charge of the naval appropriation bill as to Annapolis, but I do not understand that any actual movement has been made that would decide otherwise than as heretofore for civilian as well as naval instructors.

Mr. POMERENE. Does the Senator mean that to be true so far as the Naval Academy is concerned?

Mr. WARREN. So far as the Naval Academy is concerned, I happened to hear witnesses before the subcommittee discussing the subject and questions propounded by members of the subcommittee, but I have no information that there has been any decision yet to carry out the idea of substituting commissioned officers in the place of civilian instructors.

Mr. POMERENE. My information comes pretty direct that the admiral in charge of the academy has already made the recommendation that a large number of the civilian instructors at the Naval Academy be dismissed. I know that the matter has been called to the attention of the Secretary of the Navy. I do not know whether he has come to a final decision about it, but I suspect that one of the reasons is to furnish places for naval officers, and so forth, a large number of whom are not qualified to teach. They may be good men in command of a ship, but it does not necessarily follow that they understand the art of teaching.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 50, line 13, after the word "Army," to strike out "the total cost of which, including the heating and plumbing apparatus, wiring, and fixtures, shall exceed in the case of quarters of a general officer the sum of \$8,000; of a colonel or officer above the rank of captain, \$6,000; and of an officer of and below the rank of captain, \$4,000," and to insert "except in case of emergency with the approval of the Secretary of War," so as to make the proviso read:

*Provided*, That no part of said sum shall be expended for the construction of quarters for officers of the Army, except in case of emergency with the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Construction and repair of hospitals," on page 52, line 21, after the word "alteration," to insert "or enlargement," so as to read:

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration or enlargement of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$529,360: *Provided*, That no part of this appropriation shall be used for the construction of new hospitals.

The amendment was agreed to.

The next amendment was, on page 53, line 12, to increase the appropriation for maintenance and repair of quarters for hospital stewards at military posts already established and occupied from "\$5,000" to "\$10,000."

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Quartermaster General," on page 54, line 2, before the word "messengers," to strike out "seven" and insert "five"; in line 3, before the words "assistant messengers," to strike out "fifteen" and insert "ten"; and at the end of line 4 to strike out "\$563,060" and insert "\$557,780," so as to make the paragraph read:

Salaries: Chief clerk, \$2,750; principal clerks—2 at \$2,400 each, 5 at \$2,250 each, 4 at \$2,000 each; clerks—22 of class 4, 30 of class 3, 68 of class 2, 203 of class 1, 22 at \$1,000 each; draftsmen—1 \$2,400, 1 \$2,000, 1 \$1,800, 4 at \$1,600 each, 4 at \$1,400 each; electrical engineer, \$3,200; marine engineer, \$3,500; executive assistant, \$4,000; architect, \$3,600; structural engineer, \$3,600; mechanical engineer, \$3,600; civil engineers—1 \$3,600, 1 \$3,000; traffic clerks—2 at \$2,000 each, 1 \$1,800; textile expert, \$2,000; carpenter, \$1,200; mimeograph operator, \$1,200; 2 multipograph operators at \$1,200 each; 4 photostat operators at \$1,200 each; blue-print operator, \$1,000; 4 blue printers at \$900 each; 5 messengers at \$840 each; 10 assistant messengers at \$720 each; 4 laborers at \$720 each; in all, \$557,780.

The amendment was agreed to.

The next amendment was, on page 54, line 14, to strike out "\$2,000" and insert "\$3,000," so as to read:

The sum of \$50,000 of the appropriation available for the fiscal year 1923 for the "Disposition of remains of officers, soldiers, and civilian employees," may be expended for personal services in the Cemeterial Division, office of the Quartermaster General, for compiling, recording, preparing, and transmitting data incident to bringing home and disposition of remains from abroad: *Provided*, That no person shall be employed under this allotment at a rate of compensation exceeding \$1,800 per annum except one person at \$3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps—Signal Service of the Army," on page 56, line 15, to increase

the appropriation for telegraph and telephone systems from "\$1,750,000" to "\$1,900,000."

The amendment was agreed to.

The next amendment was, on page 56, line 18, after the word "exceed," to strike out "\$375,000" and insert "\$525,000," so as to make the proviso read:

*Provided*, That not to exceed \$475,000 from this appropriation may be expended for salaries and wages of civilian employees; not to exceed \$525,000 may be expended for commercial and existing Government-owned telephone and telegraph service; not to exceed \$500,000 may be expended for signal equipment for organizations; not to exceed \$5,000 may be expended for pigeon service; not to exceed \$75,000 may be expended for photographic and cinematographic service; and not to exceed \$75,000 may be expended for the operation and maintenance of Camp Alfred Vail.

The amendment was agreed to.

The next amendment was, on page 57, after line 13, to insert:

For replacing the worn-out portions of the Washington-Alaska submarine cable system, to remain available until expended, \$1,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 58, line 4, before the word "messengers," to strike out "three" and insert "two," and at the end of line 5, to strike out "\$41,900" and insert "\$41,060," so as to read:

#### OFFICE OF THE CHIEF SIGNAL OFFICER.

Salaries: Chief clerk, \$2,000; clerks—4 of class 4, 4 of class 3, 7 of class 2, 8 of class 1, 3 at \$1,000 each; 2 messengers, at \$840 each; 1 assistant messenger, \$720; laborer, \$660; in all \$41,060.

The amendment was agreed to.

The next amendment was, on page 58, line 15, after the word "exceed," to strike out "\$20,000" and insert "\$40,000," so as to read:

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year 1923 shall not exceed \$40,000 and the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, under the subhead "Air Service, Air Service, Army" on page 50, line 9, after the word "with," to insert "and the establishment of landing and take-off runways"; on page 60, line 10, after the word "therewith," to insert "for the marking of military airways where the purchase of land is not involved"; and on page 61, at the beginning of line 5, to strike out "\$12,431,000" and to insert "\$13,000,000," so as to read:

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experimentation therewith; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Service activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including patents and other rights thereto, and plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airships, balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Service; for printing and binding, including supplies, equipment, and repairs for such Air Service printing plants outside of the District of Columbia as may be authorized in accordance with law; for



publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, \$13,000,000:

The amendment was agreed to.

The next amendment was, on page 61, line 9, before the word "may," to strike out "\$400,000" and insert "\$300,000," so as to read:

*Provided*, That not to exceed \$2,750,000 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding \$300,000 may be expended for experimentation, conservation, and production of helium.

Mr. SHEPPARD. May I ask the Senator to allow this amendment to go over for the present until I can look into it?

Mr. WADSWORTH. Very well; let the item be passed over.

Mr. SHEPPARD. I thank the Senator.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 61, in line 11, before the word "may," to strike out "\$3,250,000" and insert "\$3,750,000," so as to read:

not exceeding \$3,750,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding \$450,000 may be expended for the production of lighter-than-air equipment; and not exceeding \$324,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army.

The amendment was agreed to.

The next amendment was, on page 62, after line 8, to insert:

The sum of \$48,500 of the appropriation for the Air Service for the fiscal year 1920 contained in the "act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, shall remain available until June 30, 1923, for the payment of obligations incurred under contracts executed prior to June 30, 1920.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief of Air Service," on page 62, line 21, after the words "at \$840 each," to strike out "two at \$720 each" and to insert "one at \$720," and in line 23, after the words "in all," to strike out "\$195,720" and insert "\$195,000," so as to make the paragraph read:

Salaries: Chief clerk, \$2,400; principal clerks—1 at \$2,400, 2 at \$2,250 each, 2 at \$2,000 each; clerks—6 of class 4, 10 of class 3, 38 of class 2, 80 of class 1; addressograph operator, \$900; messengers—2 at \$840 each, 1 at \$720; 2 messenger boys, at \$480 each; 2 laborers, at \$720 each; in all, \$195,000.

The amendment was agreed to.

The next amendment was, on page 63, line 7, after the word "exceed," to strike out "\$65,000," and to insert "\$90,000," so as to read:

The services of aeronautical engineers, skilled draftsmen, and such other technical services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Air Service to carry into effect the various appropriations for aeronautical purposes, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the office of the Chief of Air Service: *Provided*, That the entire expenditure for this purpose for the fiscal year 1923 shall not exceed \$90,000, and the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 65, line 6, to increase the appropriation for the medical and hospital department from "\$1,000,000" to "\$1,200,000."

The amendment was agreed to.

The next amendment was, on page 65, at the beginning of line 7, to strike out "no part" and to insert "not more than \$16,600"; and in line 9, after the words "of the," where they occur the second time, to strike out "World War" and to insert "war with Germany," so as to make the proviso read:

*Provided*, That not more than \$16,600 of this appropriation shall be used for payment of any expense connected with the publication of the Medical and Surgical History of the War with Germany.

The amendment was agreed to.

The next amendment was, under the subhead "Library, Surgeon General's office," on page 66, line 4, to increase the appropriation "for the library of the Surgeon General's office, including the purchase of the necessary books of reference and periodicals," from "\$10,000" to "\$12,000."

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Surgeon General," on page 66, line 8, after the figures "\$1,800," to strike out "assistant librarian, \$1,800" and to insert "2 assistant librarians, at \$1,800 each"; at the beginning of line 11, to strike out "15" and to insert "16"; at the end of the same line, to strike out "34" and insert "36"; in line 12, before the words "of class one," to strike out "55" and insert

"59"; in line 15, before the words "assistant messengers," to strike out "8" and to insert "6"; and at the end of line 19, to strike out "\$213,520" and to insert "\$223,280," so as to make the paragraph read:

Salaries: Chief clerk, \$2,250; principal assistant librarian, \$2,250; principal clerk, \$2,000; pathologist, \$1,800; microscopist, \$1,800; 2 assistant librarians, at \$1,800 each; anatomist, \$1,600; entomologist, \$1,600; photographer, \$1,500; translator, \$1,800; clerks—16 of class 4, 14 of class 3, 36 of class 2, 59 of class 1, 9 at \$1,000 each, 2 at \$900 each; multigraph operator, \$1,200; engineer, \$1,400; skilled mechanic, \$1,000; 2 messengers, at \$840 each; 6 assistant messengers, at \$720 each; chauffeur, \$840; 3 firemen, at \$720 each; 3 watchmen, at \$720 each; superintendent of building (Army Medical Museum and Library), \$200; 6 laborers, at \$660 each; 4 charwomen, at \$240 each; in all, \$223,280.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Chief of Bureau of Insular Affairs," on page 67, line 10, before the word "of," to strike out "9" and to insert "10"; in line 11, before the word "of," where it occurs the third time, to strike out "14" and to insert "12"; and at the end of line 13, to strike out "\$66,630" and insert "\$66,030," so as to make the paragraph read:

Salaries: Chief clerk, \$2,250; clerks—10 of class 4, 6 of class 3, 9 of class 2, 12 of class 1, 6 at \$1,000 each; 3 messengers, at \$840 each; laborer, \$660; in all, \$66,030.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer operations in the field," on page 70, at the end of line 1, to strike out "\$85,000" and to insert "\$100,000," so as to read:

For expenses incident to military engineer operations in the field, including the purchase of material and a reserve of material for such operations, the rental of storehouses within and outside of the District of Columbia, the purchase, operation, maintenance, and repair of horse-drawn and motor-propelled passenger-carrying vehicles, and such expenses as are ordinarily provided for under appropriations for "Engineer depots," "Civilian assistants to engineer officers," and "Military surveys and maps," \$100,000.

The amendment was agreed to.

The next amendment was, on page 71, line 25, after the word "defense," to strike out "at the following localities: Hawaiian Islands, \$3,000; Philippine Islands, \$3,000," and to insert "in the insular possessions, \$6,000"; so as to read:

For preparation of plans for fortifications and other works of defense in the insular possessions, \$6,000.

The amendment was agreed to.

Mr. BORAH. Mr. President, I ask the Senator from New York [Mr. WADSWORTH] in charge of the pending bill that when reached the amendment on page 83, line 4, under the head of "Chemical Warfare Service," proposing to strike out the appropriation of \$500,000 and in lieu thereof to insert "\$750,000," may be passed over.

Mr. WADSWORTH. Very well.

The reading of the bill was resumed.

The next amendment was, on page 72, line 14, after the word "wharves," to strike out the comma and the following: "at the following localities: Hawaiian Islands, \$15,000; Philippine Islands, \$50,000"; and in lieu thereof to insert "in the insular possessions, \$55,000," so as to read:

For protection, preservation, and repair of fortifications, including structures for submarine mine defense, for which there may be no special appropriation available, and for maintaining channels for access to submarine mine wharves in the insular possessions, \$55,000.

The amendment was agreed to.

The next amendment was, on page 72, line 22, after the word "operation," to strike out "at the following localities: Hawaiian Islands, \$20,000; Philippine Islands, \$40,000"; and in lieu thereof to insert "in the insular possessions, \$60,000," so as to read:

For maintenance and repair of searchlights and electric light and power equipment for seacoast fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation in the insular possessions, \$60,000.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, Panama Canal," on page 73, line 16, to strike out "\$30,000" and to insert "\$40,000," so as to read:

For maintenance and repair of searchlights and electric light and power equipment for fortifications, and for tools, electrical and other supplies, and appliances to be used in their operation, \$40,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 16, to strike out:

For maintenance of clearings and trails, \$20,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Chief of Engineers," on page 73, line 22, before the word "messengers," to strike out "four" and insert "three," and at the

end of line 24, to strike out "\$109,010" and to insert "108,170," so as to make the paragraph read:

Salaries: Chief clerk, \$2,250; 2 chiefs of divisions at \$2,000 each; clerks—8 of class 4, 12 of class 3, 17 of class 2, 26 of class 1, 6 at \$1,000 each, 3 at \$900 each; 3 messengers, at \$840 each; 2 assistant messengers, at \$720 each; laborer, \$660; in all, \$108,170.

The amendment was agreed to.

The next amendment was, on page 74, line 10, after the word "exceed," to strike out "\$125,000" and to insert "\$150,000," so as to read:

The services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, surveys, preparation for and the consideration of river and harbor estimates and bills, fortifications, engineer equipment of troops, engineer operations in the field, and other military purposes, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1923 shall not exceed \$150,000; the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 75, line 6, to strike out "That no money appropriated herein shall be expended for maintenance, repair, or operation of any motor-propelled passenger-carrying vehicle employed wholly or in part for personal, social, or other similar use or for any use except for military and official business: *Provided further*,"

The amendment was agreed to.

The next amendment was, on page 76, line 3, after the word "homes," to insert a semicolon and the following: "For manufacture and purchase of ammunition, targets, and other accessories for small arms, hand and machine gun target practice and instruction; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice and instruction at the educational institutions and State soldiers and sailors orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe"; and in line 11, to strike out "\$508,500" and to insert "\$650,000," so as to make the paragraph read:

#### ORDNANCE STORES, AMMUNITION.

For the development, manufacture, purchase, and maintenance of airplane bombs; of ammunition for small arms and for hand use for reserve supply; of ammunition for burials at the National Soldiers' Home in Washington, District of Columbia, and of ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home at Washington, District of Columbia, and soldiers and sailors' State homes; for manufacture and purchase of ammunition, targets, and other accessories for small arms, hand and machine gun target practice and instruction; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice and instruction at the educational institutions and State soldiers and sailors orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, \$650,000.

The amendment was agreed to.

The next amendment was, on page 76, after line 11, to strike out:

#### SMALL-ARMS TARGET PRACTICE.

For manufacture and purchase of ammunition, targets, and other accessories for small arms, hand and machine-gun target practice and instruction; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice and instruction at the educational institutions and State soldiers and sailors orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, \$400,000.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator from New York whether there is any specific appropriation in this bill for the maintenance of an army in Europe?

Mr. WADSWORTH. No; there is not.

Mr. NORRIS. There is no reference made to it?

Mr. WADSWORTH. None at all.

Mr. NORRIS. I noticed in the public press some time ago that the President had decided to bring home all of the American soldiers in Europe. Recently I have seen that disputed. Can the Senator tell the Senate what the facts are in regard to that matter?

Mr. WADSWORTH. The committee was informed by the Secretary of War and General Pershing and General Harbord that the troops were ordered home and were coming home.

Mr. NORRIS. All of them?

Mr. WADSWORTH. All of them, with the possible exception of a little clean-up squad, consisting of a few men.

Mr. NORRIS. How soon will they all be back?

Mr. WADSWORTH. They are supposed to start by the 1st of July. They are coming on the regular trips of the transport.

Instead of sending transports over on special trips to bring them back, it is more economical to have the transport returning on its regular trip to bring back such men as it can carry.

Mr. NORRIS. What arrangements, if any, have been made in regard to the payment of the troops over there from money paid by the German Government? There was some misunderstanding in regard to that, and our troops were not paid.

Mr. WADSWORTH. The committee did not inquire into that; that is a matter with which the State Department has to do. Of course, we understand that our claim against the German Government for the payment of our troops upon the Rhine is good and must be honored.

Mr. NORRIS. But the only difficulty is that Germany was not at the time the information was furnished me allowed to use any of her money for the purpose of paying our troops, because our recent allies would not permit it; they wanted all the money for themselves.

Mr. WADSWORTH. I think, as a result of a message sent by the administration, I believe through Secretary Hughes, the Governments represented on the Reparation Commission have acknowledged the rights of the United States to secure payment for its troops on the Rhine.

Mr. NORRIS. Would the Senator have any objection to an amendment to this bill to prohibit the use of any money appropriated by the bill for the purpose of maintaining an army in Europe?

Mr. WADSWORTH. Yes; Mr. President, on general principle I would. I do not think the Congress should exercise the functions of Commander in Chief of the Army of the United States.

Mr. NORRIS. In a general way, I fully agree with the Senator, and yet I think the Congress has a definite knowledge as to why the American troops were maintained over there, and a general knowledge which, I think, everybody possesses, that the use of keeping them there has long since passed. That is particularly true if our allies are not going to permit German funds to be used for the payment of our military expenses there.

Mr. WADSWORTH. The Senator is basing his suggestion upon two assumptions, neither of which, I think, is accurate: First, that we intend to keep them there. We do not intend to keep them there; they are ordered home. Second, that the Germans do not intend or will not be permitted to pay us. They will be permitted to pay us.

Mr. NORRIS. They have not been permitted up to the time of the last information received by me.

Mr. WADSWORTH. They have not paid the expenses of the armies of occupation of any government thus far.

Mr. NORRIS. I should be very glad, indeed, to know that we were getting our share of the money from Germany to pay the expenses of our troops on the Rhine; but, Mr. President, it has been a long time since there was any use for our troops there, and a considerable time since the announcement was made that our troops were all going to be brought home, but they have not all been brought back yet. If we are going to permit the Executive branch of the Government to decide to keep them there forever, there will certainly come a time eventually when Congress will wake up enough to decline to appropriate money to keep them there. If there is any reason why they should be kept or any obligation on the United States, I certainly would not want to prohibit the payment of money to keep them there; but I have never yet heard what to my mind was a sufficient reason or, for that matter, any reason, why we should maintain a single soldier in Europe.

Mr. HARRIS. Mr. President, I should like to state to the Senator from Nebraska that I understood the last of the troops in Germany were ordered home last month; but for some reason the order was rescinded and the time of the departure of some of the troops was delayed. I think, however, that they are to leave within the next few days.

Mr. NORRIS. All of them?

Mr. HARRIS. The last of the troops remaining there; that is my understanding.

Mr. WADSWORTH. All but a clean-up squad.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Manufacture of arms," on page 76, line 24, to reduce the appropriation for manufacturing, repairing, procuring, and issuing arms at the national armories, from "\$400,000" to "\$375,000."

Mr. HITCHCOCK. Mr. President, I should like to ask the chairman of the committee whether he prefers to have that amendment passed over or to consider an amendment to it at the present time.



Mr. WADSWORTH. I will suit the convenience, of course, of the Senator from Nebraska. I am perfectly willing to have it considered now.

Mr. HITCHCOCK. We have been pursuing the policy, I understand, of passing over amendments to which there is objection. I will say to the Senator that I either propose to strike out the whole paragraph or to reduce the appropriation to \$75,000. The Senator will recall that the testimony before the committee indicated that 300 men are engaged in the manufacture of rifles, while we have on hand something like 2,800,000 rifles, and the Springfield armory is now in operation simply for the purpose of employing men, not because the Government needs the rifles.

Mr. WADSWORTH. The Senator from Nebraska can state that as his recollection, but the Senator from New York does not quite recall all of that.

Mr. HITCHCOCK. I think the testimony will so indicate.

Mr. WADSWORTH. Not quite.

Mr. HITCHCOCK. If the Senator from New York desires to refresh his memory of the testimony before the committee, I think it will bear out my statement.

Mr. WADSWORTH. I am perfectly willing that the amendment shall go over, if it will suit the Senator's convenience.

Mr. HITCHCOCK. Very well; let it go over with the others.

Mr. WADSWORTH. Very well.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Ordnance stores and supplies," on page 77, line 5, after the word "preserving," to insert "at places other than establishments under the direct control of the Chief of Ordnance," so as to make the paragraph read:

For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots, except material for cleaning and preserving at places other than establishments under the direct control of the Chief of Ordnance; for purchase and manufacture of ordnance stores to fill requisitions of troops, \$150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Tanks," on page 77, line 18, to reduce the appropriation for the purchase, manufacture, test, maintenance, and repair of tanks and other self-propelled armored vehicles, to remain available until June 30, 1924, from "\$300,000" to "\$200,000."

The amendment was agreed to.

The next amendment was, under the subhead "Field Artillery armament," on page 77, line 23, to reduce the appropriation for purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, from "\$750,000" to "\$500,000."

The amendment was agreed to.

The next amendment was, on page 78, line 3, to reduce the appropriation for purchase, manufacture, maintenance, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith, the machinery necessary for its manufacture, and the necessary storage facilities, from "\$400,000" to "\$300,000."

The amendment was agreed to.

The next amendment was, on page 78, line 7, to increase the appropriation for alteration and maintenance of the mobile artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and the expenses of the mechanics engaged thereon, from "\$400,000" to "\$500,000."

The amendment was agreed to.

The next amendment was, on page 78, line 11, to reduce the appropriation for purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for mountain, field, and siege artillery practice, including the machinery necessary for their manufacture, from "\$75,000" to "\$65,000."

The amendment was agreed to.

The next amendment was, under the subhead "Rock Island Bridge, Rock Island, Ill.," on page 78, after line 24, to insert:

For special repairs and strengthening of bridge, \$141,000.

The amendment was agreed to.

The next amendment was, on page 79, line 14, to reduce the appropriation for repairs and improvement of arsenals and depots, etc., from "\$805,000" to "\$600,000."

The amendment was agreed to.

The next amendment was, on page 79, after line 14, to strike out the following subhead: "Civilian schools, ordnance reservations."

The amendment was agreed to.

The next amendment was, on page 79, after line 15, to strike out:

For the maintenance and operation of schools for children on ordnance reservations, \$17,000.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, United States—armament of fortifications," on page 79, line 23, after the word "manufacture," to strike out "\$450,000" and to insert "\$400,000," so as to make the paragraph read:

For purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture, \$400,000.

The amendment was agreed to.

The next amendment was, on page 80, line 2, after the word "manufacture," to strike out "\$350,000" and to insert "\$300,000," so as to make the paragraph read:

For purchase, manufacture, and test of ammunition for seacoast cannon, and for modernizing projectiles on hand, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture, \$300,000.

The amendment was agreed to.

The next amendment was, on page 80, at the end of line 7, to strike out "\$50,000" and to insert "\$50,000," so as to make the paragraph read:

For purchase, manufacture, and test of ammunition, subcaliber guns, and other accessories for seacoast artillery practice, including the machinery necessary for their manufacture, \$50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, insular possessions," on page 80, line 16, after the word "arsenals," to strike out "\$150,000" and to insert "\$125,000," so as to make the paragraph read:

For purchase, manufacture, and test of seacoast cannon for coast defenses, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$125,000.

The amendment was agreed to.

The next amendment was, on page 80, at the end of line 24, to strike out "\$60,000" and to insert "\$85,000," so as to make the paragraph read:

For alteration and maintenance of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of the civilian mechanics, \$85,000.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, Panama Canal," on page 81, line 9, after the word "mechanics," to strike out "\$55,000" and to insert "\$60,000," so as to make the paragraph read:

For the alteration and maintenance and installation of the seacoast artillery, including the purchase and manufacture of machinery, tools, and materials necessary for the work, and expenses of civilian mechanics, \$60,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Chief of Ordnance," on page 81, at the end of line 14, to strike out "messengers—2 at \$840 each, 2 at \$780 each, 2 at \$720 each," and to insert "2 messengers, at \$840 each; 2 assistant messengers, at \$720 each," and in line 17, after the words "in all," to strike out "\$150,040" and to insert "\$149,080," so as to make the paragraph read:

Salaries: Chief clerk, \$2,500; chief of division, \$2,000; principal clerk, \$2,000; clerks—9 of class 4, 12 of class 3, 25 of class 2, 44 of class 1, 12 at \$1,000 each, 4 at \$900 each; 2 messengers, at \$840 each; 2 assistant messengers, at \$720 each; laborer, \$660; in all, \$149,080.

The amendment was agreed to.

The next amendment was, on page 83, line 4, to increase the appropriation for the Chemical Warfare Service from "\$500,000" to "\$750,000."

Mr. WADSWORTH. At the request of the Senator from Idaho [Mr. BORAH] I ask that the amendment on page 83, line 4, be passed over.

The VICE PRESIDENT. It will be passed over.

Mr. WADSWORTH. Mr. President, I am directed by the Committee on Appropriations to ask unanimous consent for the consideration of an amendment which will become a part of the paragraph headed "Office of the Chief of Chemical Warfare Service." I send the amendment to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 83, after line 8, it is proposed to insert the following as a separate paragraph:

The services of skilled draftsmen, chemical engineers, chemists, and such other services as the Secretary of War may deem necessary, may be employed in the office of the chief, Chemical Warfare Service, to carry into effect the appropriations for that service, to be paid from such appropriations.

Provided, That the entire expenditure for this purpose for the fiscal year 1923 shall not exceed \$21,600, and the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The VICE PRESIDENT. Is there objection to the immediate consideration of the amendment? The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the subhead "National board for promotion of rifle practice. Quartermaster supplies and services for rifle ranges for civilian instruction," on page 83, line 19, after the word "insignia," to strike out the semicolon and the following: "For the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, and their participation in national and international matches, to be expended under the direction of the Secretary of War, and to remain available until expended, \$89,900: *Provided*, That out of this appropriation there may be expended for the payment of transportation, and for supplying meals, or furnishing commutation of subsistence of civilian rifle teams authorized by the Secretary of War to participate in the national matches, not to exceed \$80,000," and to insert "\$10,000"; so as to make the paragraph read:

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia, \$10,000.

The amendment was agreed to.

The next amendment was, on page 84, at the end of line 20, to reduce the appropriation for national trophy and medals for rifle contests from "\$10,000" to "\$7,500."

The amendment was agreed to.

The next amendment was, on page 85, line 6, before the word "Benning," to strike out "Camp" and to insert "Fort," so as to make the subhead read: "Infantry School, Fort Benning, Ga."

The amendment was agreed to.

The next amendment was, on page 85, line 12, before the name "Benning," to strike out "Camp" and to insert "Fort," so as to make the paragraph read:

For the purchase of textbooks, books of reference, scientific and professional papers; instruments and material for instruction, employment of technical and special services, including the services of one translator at the rate of \$150 per month, and for the necessary expenses of instruction at the Infantry School, Fort Benning, Ga., \$35,000.

The amendment was agreed to.

The next amendment was, on page 89, after line 18, to strike out "In the Philippine Islands, \$12,000."

The amendment was agreed to.

The next amendment was, under the subhead "Office of Chief of Coast Artillery," on page 90, line 4, after "each," to strike out "two messengers, at \$720 each," and to insert "messenger, \$720"; and in line 5, after the words "in all," to strike out "\$19,440" and to insert "\$18,720," so as to make the paragraph read:

Salaries: Chief clerk, \$2,000; clerks—one of class 4, two of class 3, three of class 2, four of class 1, two at \$1,000 each; messenger, \$720; in all, \$18,720.

The amendment was agreed to.

The next amendment was, under the subhead "Militia Bureau: Arming, equipping, and training the National Guard," on page 90, line 9, to reduce the appropriation for procurement of forage, bedding, etc., for animals, from "\$1,002,800" to "\$1,928,000."

The amendment was agreed to.

The next amendment was, on page 90, line 11, to increase the appropriation for compensation of help for care of matériel, animals, and equipment, from "\$750,00" to "\$1,910,500."

The amendment was agreed to.

The next amendment was, on page 90, line 12, to increase the appropriation for expenses, camps of instruction, from "\$8,500,000" to "\$9,500,000."

The amendment was agreed to.

The next amendment was, on page 90, line 17, to increase the appropriation for pay of property and disbursing officers for the United States from "\$55,000" to "\$60,000."

The amendment was agreed to.

The next amendment was, on page 90, line 22, to increase the appropriation for travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard from "\$200,000" to "\$300,000."

Mr. WATSON of Georgia. Mr. President, I notice that in every one of these items there is an increase, and a very large

increase. Should not the Senate have some explanation of the necessity for these very heavy increases?

Mr. WADSWORTH. Mr. President, the appropriations, as passed by the House of Representatives, with the exception of one item—the item known as "Pay of National Guard (armory drills)," which will be found on page 91, line 4—are inadequate for the support of the guard as now constituted, officers and men. There are 150,000 officers and men in the National Guard to-day, as contrasted with something like 100,000 a year ago. The guard has been growing steadily and healthily under the provisions of law. The States have joined in helping the guard very loyally and cheerfully. Several of them have built armories to house the units, have provided places where the Federal property may be taken care of, and in every way have shown a quality of teamwork with the Federal Government which is most encouraging.

The appropriations suggested by the Senate committee are just sufficient to meet the obligations imposed upon the Federal Government under the law in proportion to the present strength and prospective strength during the next fiscal year of the National Guard.

For example, it is estimated that there will be 160,000 men in the National Guard by July 1. A few new units will be admitted, federalized, and units already existing are being recruited to greater strength within the peace limitation. Those men are all entitled to go, and should go under the statute, to a summer training camp for 15 days. The House appropriation for the summer training camps would only be sufficient to send about 105,000 or 110,000 men. It would leave behind—uncared for, unrecognized, unencouraged, and contrary to the spirit of the law itself—something like 40,000 or 45,000 National Guard men. The summer training camp, of course, is the most valuable training that the guard receives in its entire year of training and instruction; so the Senate committee believed that the appropriation for the expenses of camps of instruction found on line 12 of page 90 should be increased to the amount which is actually necessary to carry out the statute and meet the spirit of the guard and the spirit of the States which have helped form the guard.

To fail to do so is merely to neglect and ignore the statute which the Congress itself passed in 1920, and, worse than that, to neglect and ignore these citizen soldiers who have enlisted in the citizen component of the Army of the United States, who want to go to the camps, who are entitled to go under the statute, and, even worse than that, it is to ignore the States themselves, who through their governors and adjutants general have joined in this work so cheerfully and loyally.

Let me say to the Senator from Georgia that every one of these increases is suggested by the committee simply and solely for the purpose of taking care of the guard as it will stand during the next fiscal year. The sum total of them is actually below the estimates made by the Budget Director, but is sufficient, in the view of the committee, to take care of the guard for the next fiscal year. The guard, it is expected, will start the fiscal year with 160,000 men. It probably will average throughout the next fiscal year in the neighborhood of 180,000 to 190,000.

This bill will permit 160,000 to go to camp this coming summer. The training camp season starts about the 1st of July. This bill will also enable the guard to keep the horses which the Federal Government has supplied to it. The Senator from Georgia will probably recollect that under the statute each troop of cavalry of the guard and each battery of field artillery is furnished with 30 horses by the Federal Government. Of course, the men in those units secure additional horses in nearly every case. The Government merely supplies the nucleus of the horses for these mounted units, and under the statute the Government is to supply the hay and grain for those horses. There are 8,000 of those Government horses in the possession of the guard to-day. The House appropriation for forage is sufficient to supply hay and grain for only 4,000 horses, so that over 4,000 Government horses will starve, or must be taken away from the guard and sent back to Federal remount stations, thereby dismounting troops of cavalry and batteries of field artillery of the National Guard, and in effect destroying the efficiency, the morale, and the enthusiasm of the fine young men who have enlisted in the mounted branches of the National Guard. That, in brief, is the feeling of the committee concerning this amendment.

Mr. BORAH. Mr. President, what is the size of the National Guard at the present time; about 175,000?

Mr. WADSWORTH. No; at present it is about 150,000, but with the units which are to be admitted and federalized in the next month, and taking into consideration also the increase in



the size of the units now recognized by ordinary recruiting, it is expected that by July 1 it will be 160,000. These appropriations will take care of that number in the camps.

Mr. BORAH. I read in the hearings that it would be increased within a certain time, I believe it was after this fiscal year, to 190,000.

Mr. WADSWORTH. It is expected that it will reach that number some time late in the fiscal year, but that number can not be reached until some time after the expiration of the training-camp period, which, of course, is in the summer.

Mr. WATSON of Georgia. Mr. President, I am entirely friendly to the organization known as the National Guard, though I very much regretted the revolution in the system that took away from State governors their discretion as to whether they would respond to the call of the President. When that proposition was offered in the House 30 years ago by General Cutting, of California, I was able to attract the attention of the chairman of the Special Judiciary Committee, Col. William C. Oates, of Alabama, and with his assistance we defeated the measure and left the law as to the State militia as it was. Some years afterwards Congress passed the Dick bill, which entirely changed the system.

The Senator from New York will doubtless recall that at the time of the whisky rebellion in Pennsylvania President Washington and Alexander Hamilton called up Governor Mifflin, of Pennsylvania, Governor Lee, of Virginia, and the Governor of Maryland, whose name at this moment I do not recall, and the Governors of Virginia and Pennsylvania led their State contingents into the field to the point of rendezvous. The Governor of Maryland, as I remember, was sick and could not go, but he sent his representative, who led the Maryland contingent. It was not until those State troops came into the field that the Federal officers took charge of them.

It has always seemed to me a very dangerous proposition for the initiative on the part of the State and the discretion on the part of the governor to be taken away and the power given to the President to arbitrarily send troops of New England into the South, or vice versa, from the South into New England; troops of the South into the West or troops of the West into the North, without any discretion on the part of the governor at all as to whether he would assign State troops to that duty. But, as we now have this system, the explanation of the Senator from New York is entirely satisfactory.

The amendment was agreed to.

The next amendment was, on page 91, at the end of line 4, to insert a colon and the following proviso:

*Provided*, That 25 per cent of the foregoing amounts for arming, equipping, and training the National Guard shall be available interchangeably for expenditure for the purposes named; but not more than 25 per cent shall be added to the amount appropriated for any one of such purposes.

The amendment was agreed to.

The next amendment was, on page 92, line 19, after the word "Artillery," to strike out the comma after the words "Engineer or Signal," and insert "or Engineer," so as to make the additional proviso read:

*Provided further*, That the Secretary of War is hereby directed to issue from surplus or reserve stores and matériel now on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal matériel and ammunition as may be needed by the National Guard organized under the provisions of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act approved June 4, 1920. This issue shall be made without charge against militia appropriations. None of the funds appropriated in this paragraph shall be used for purchase of arms, Field Artillery or Engineer matériel, public animals, or chevrons.

The amendment was agreed to.

The next amendment was, on page 92, after line 21, to strike out:

The mounted, motorized, and tank units of the National Guard shall be so reduced that the appropriations made in this act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1923.

The amendment was agreed to.

The next amendment was at the top of page 93, to insert:

None of the funds appropriated in this act shall be available for the organization or equipment or field training of new Cavalry, motorized, tank, or air units of the National Guard presented for Federal recognition after the passage of this act.

The amendment was agreed to.

The next amendment was, under the subhead "United States Military Academy. Pay of Military Academy," on page 93, after line 13, to strike out:

Permanent establishment: For pay of seven professors, \$26,500; one chaplain, \$2,400; master of the sword, \$3,500.

For pay of cadets, 1,300 at \$780 each, \$1,014,000.

The pay of cadets for the fiscal year ending June 30, 1923, shall be fixed at \$780 per annum and one ration per day or commutation thereof

at the rate of \$0.75 per ration, to be paid from the appropriation for the subsistence of the Army.

For pay of one constructing quartermaster, in addition to his regular pay, \$1,000.

For additional pay of professors and officers for length of service, \$8,000.

Military Academy band: For pay of Military Academy band: One master sergeant, at \$74 per month, \$888.

Fifteen staff sergeants, at \$45 each per month, \$8,100.

Fifteen privates, first class, at \$35 each per month, \$6,300.

Twenty privates, at \$30 each per month, \$7,200.

Fifteen specialists, second class, at \$20 each per month, \$3,600.

Twenty specialists, third class, at \$15 each per month, \$3,600.

Additional pay for length of service, \$4,500.

In all, Military Academy band, \$34,188.

Field musicians: For pay of field musicians: One staff sergeant, at \$45 per month, \$540.

Two corporals, at \$37 each per month, \$888.

Seven privates, first class, at \$35 each per month, \$2,940.

Twenty-one privates, at \$30 each per month, \$7,560.

Twenty-eight specialists, sixth class, at \$3 each per month, \$1,008.

Additional pay for length of service, \$990.

In all, field musicians, \$13,926.

Service detachment: For pay of service detachment:

One first sergeant, at \$53 per month, \$636.

Forty-seven sergeants, at \$45 each per month, \$25,380.

Twenty corporals, at \$37 each per month, \$8,880.

Fifty-five privates, first class, at \$35 each per month, \$23,100.

One hundred and fifty-three privates, at \$30 each per month, \$55,080.

Forty specialists, third class, at \$15 each per month, \$7,200.

Fifty specialists, fourth class, at \$12 each per month, \$7,200.

Eighty specialists, fifth class, at \$8 each per month, \$7,680.

Additional pay for length of service, \$23,360.

In all, service detachment, \$158,516.

Cavalry detachment: For pay of Cavalry detachment:

One first sergeant, at \$53 per month, \$636.

Fourteen sergeants, at \$45 each per month, \$7,560.

Sixteen corporals, at \$37 each per month, \$7,104.

Sixty-five privates, first class, at \$35 each per month, \$27,300.

One hundred and twenty-four privates, at \$30 each per month, \$44,640.

Ten specialists, fourth class, at \$12 each per month, \$1,440.

Thirteen specialists, fifth class, at \$8 each per month, \$1,248.

Two specialists, sixth class, at \$3 each per month, \$72.

For additional pay for length of service, \$14,000.

In all, Cavalry detachment, \$104,000.

Artillery detachment: For pay of Artillery detachment:

One first sergeant, at \$53 per month, \$636.

Twenty-three sergeants, at \$45 each per month, \$12,420.

Twenty-one corporals, at \$37 each per month, \$9,324.

Seventy-five privates, first class, at \$35 each per month, \$31,500.

One hundred and eighteen privates, at \$30 each per month, \$42,480.

Eight specialists, fourth class, at \$12 each per month, \$1,152.

Fifteen specialists, fifth class, at \$8 each per month, \$1,440.

Three specialists, sixth class, at \$3 each per month, \$108.

For additional pay for expert first-class gunners at \$5 each per month, first-class gunners at \$3 each per month, and second-class

gunners at \$2 each per month, \$6,000.

Additional pay for length of service, \$9,000.

In all, Artillery detachment, \$114,060.

Engineer detachment: For pay of Engineer detachment: One first sergeant, at \$53 per month, \$636.

Three staff sergeants, at \$45 each per month, \$1,620.

Nine sergeants, at \$45 each per month, \$4,860.

Twelve corporals, at \$37 each per month, \$5,328.

Thirty-nine privates, first class, at \$35 each per month, \$16,380.

Fifty-two privates, at \$30 each per month, \$18,720.

Additional pay for length of service, \$5,000.

Additional pay for marksmen, sharpshooters, and expert riflemen, \$2,400.

Two specialists, third class, at \$15 each per month, \$360.

Three specialists, fourth class, at \$12 each per month, \$432.

Two specialists, sixth class, at \$3 each per month, \$72.

In all, Engineer detachment, \$55,808.

Signal Corps detachment: For pay of Signal Corps detachment: One master sergeant, at \$74 per month, \$888.

One technical sergeant, at \$53 per month, \$636.

One staff sergeant, at \$45 per month, \$540.

Two sergeants, at \$45 each per month, \$1,080.

Two corporals, at \$37 each per month, \$888.

Three privates, first class, at \$35 each per month, \$1,260.

Two privates, at \$30 each per month, \$720.

One specialist, fifth class (chauffeur), at \$8 per month, \$96.

Additional pay for length of service, \$648.40.

Additional pay for expert military telegrapher, first-class military telegrapher, and military telegrapher, \$324.

In all, Signal Corps detachment, \$7,080.40.

Coast Artillery detachment: For pay of Coast Artillery detachment:

One first sergeant, at \$53 per month, \$636.

One master sergeant, at \$74 per month, \$888.

One technical sergeant, at \$53 per month, \$636.

One staff sergeant, at \$45 per month, \$540.

Five sergeants, at \$45 each per month, \$2,700.

Twenty-one privates, first class, at \$35 each per month, \$8,820.

Nine specialists, fifth class, at \$8 each per month, \$864.

For additional pay for first-class gunners, at \$3 each per month, and second-class gunners, at \$2 each per month, \$1,080.

Additional pay for length of service, \$2,000.

For additional pay of rated men (2 plotters, 1 observer, first class, 1 observer, second class, and 4 gun commanders), \$744.

In all, Coast Artillery detachment, \$18,908.

Miscellaneous: Travel allowance due enlisted men on discharge, \$5,000.

Interest on deposits due enlisted men, \$2,000.

Additional pay of enlisted men under the last proviso of section 4b of the Army reorganization act of June 4, 1920, \$5,000.

For pay of one warrant officer, to be on duty in the headquarters, United States Corps of Cadets, \$1,320.

For pay of two staff sergeants, to be on duty in the headquarters, United States Corps of Cadets, at \$45 each per month, and additional

pay for length of service, \$1,296.

For pay of one master sergeant, \$1,243.20.

For pay of one master sergeant, \$1,154.40.  
 For pay of one staff sergeant, \$648.  
 For pay of civilians:  
 One teacher of music, \$2,000.  
 For pay of nine clerks in the office of the quartermaster, as follows:  
 One chief clerk, \$1,800.  
 One clerk, \$1,500.  
 Two clerks, at \$1,400 each, \$2,800.  
 Two clerks, at \$1,200 each, \$2,400.  
 Three clerks and stenographers, at \$1,200 each, \$3,600.  
 For pay of one expert architectural draftsman in office of constructing quartermaster, \$2,500.  
 For pay of 12 clerks and stenographers employed at headquarters, United States Military Academy, in the offices of the superintendent and adjutant, as follows:  
 One chief clerk, \$1,800.  
 One chief clerk and stenographer to superintendent, \$1,500.  
 Three clerks, at \$1,400 each, \$4,200.  
 One clerk, \$1,400.  
 Six clerks, at \$1,000 each, \$6,000.  
 For pay of one clerk to the treasurer, \$1,800.  
 For pay of one clerk and stenographer in the office of the commandant of cadets, \$1,200.  
 For pay of two civilian instructors of French, to be employed under the rules prescribed by the Secretary of War, at \$2,000 each, \$4,000.  
 For pay of two civilian instructors of Spanish, to be employed under the rules prescribed by the Secretary of War, at \$2,000 each, \$4,000.  
 For pay of two expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, at \$1,500 each, \$3,000.  
 For pay of one professional civilian instructor in military gymnastics, fencing, boxing, wrestling, and swimming, \$1,500.  
 For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, at \$2,000 each, \$4,000: *Provided*, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and fuel and light.  
 For pay of one librarian, \$3,000.  
 For pay of one assistant librarian, \$1,500.  
 For pay of one custodian of gymnasium, \$1,200.  
 For pay of one superintendent of gas works, \$1,500.  
 For pay of one chief engineer of power plant, whose duties will include those of engineer of heating and ventilating apparatus, \$2,700.  
 For pay of one assistant chief engineer of same, \$1,100.  
 For pay of three assistant engineers of same, at \$1,200 each, \$3,600.  
 For pay of eight firemen, at \$780 each, \$6,240.  
 For pay of two oilers for power plant, at \$720 each, \$1,440.  
 For pay of one draftsman in the department of civil and military engineering, \$1,200.  
 For pay of one mechanic and attendant skilled in the technical preparation necessary to chemical and electrical lectures and to the instruction in mineralogy and geology, \$1,200.  
 For pay of one mechanic assistant in department of natural and experimental philosophy, \$840.  
 For pay of one custodian of academy buildings, \$1,000.  
 For pay of one electrician, \$1,600.  
 For pay of one chief plumber, \$1,600.  
 For pay of one assistant plumber, \$900.  
 For pay of one plumber's helper, \$600.  
 For pay of one scavenger, at \$60 a month, \$720.  
 For pay of one chapel organist and choirmaster, \$1,500.  
 For pay of one superintendent of post cemetery, \$1,200.  
 For pay of one engineer and janitor of Memorial Hall, \$900.  
 For pay of one printer at headquarters, United States Military Academy, \$1,600.  
 For pay of one assistant printer at headquarters, United States Military Academy, \$1,100.  
 For pay of one janitress, Memorial Hall, \$600.  
 For pay of one master mechanic, \$1,800.  
 For pay of one clerk and photographer in the department of drawing, \$1,300.  
 For pay of one stenographer, typewriter, and attendant in charge of the library in the department of law, \$900.  
 For pay of one overseer of the waterworks, \$720.  
 For pay of one engineer of steam, electric, and refrigerating apparatus for the cadets' mess, \$1,200.  
 For pay of one copyist, stenographer, clerk, librarian, typewriter, and attendant in the department of modern languages, \$1,040.  
 For pay of one mechanic and attendant skilled in the operation necessary for the preparation of lectures and of material in the department of drawing, \$720.  
 For pay of one janitor for bachelor officers' quarters, \$600.  
 For pay of one stenographer, typewriter, and attendant in the department of English and history, \$840.  
 For pay of one bookbinder at headquarters, United States Military Academy, \$1,200.  
 For pay of two book sewers in bindery, at \$540 each, \$1,080.  
 For pay of one skilled pressman in the printing office, headquarters, United States Military Academy, \$1,100.  
 For pay of one charwoman, headquarters, United States Military Academy, \$480.  
 For pay of one messenger for the Superintendent of the United States Military Academy, \$720.  
 For pay of one skilled copyist, confidential stenographer, librarian, typewriter, and attendant in the department of mathematics, \$1,000.  
 For pay of one stenographer, typewriter, and clerk in the medical department and department of military hygiene, \$840.  
 For pay of one confidential stenographer, copyist, librarian, typewriter, and multigraph operator in the department of natural and experimental philosophy, \$1,000.  
 In all, pay of civilians, \$106,380.

And in lieu thereof to insert:

Permanent Establishment: For seven professors, \$27,000; chaplain, \$2,400; master of the sword, \$3,500; constructing quartermaster, in addition to his regular pay, \$1,000; additional pay of professors and officers for length of service, \$11,345; subsistence allowance of professors and officers, \$4,539; in all, \$49,844.  
 For 1,300 cadets, \$1,014,000.  
 Military Academy Band: Master sergeant; 15 staff sergeants; 15 privates, first class; 20 privates; specialists—15, second class, 20, third class; additional pay for length of service; in all, \$39,882.

Field musicians: Staff sergeant; 2 corporals; 7 privates, first class; 21 privates; 28 specialists, sixth class; additional pay for length of service; in all, \$13,450.

Service Detachment: First sergeant; 47 sergeants; 20 corporals; 55 privates, first class; 153 privates; specialists—40, third class, 50, fourth class, 80, fifth class; additional pay for length of service; in all, \$156,948.

Cavalry detachment: First sergeant; 14 sergeants; 16 corporals; 65 privates, first class; 124 privates; specialists—10 fourth class, 13 fifth class, 2 sixth class; additional pay for length of service; in all, \$99,039.

Artillery detachment: First sergeant; 23 sergeants; 21 corporals; 75 privates, first class; 118 privates; specialists—8 fourth class, 15 fifth class, 3 sixth class; additional pay for qualification in gunnery; additional pay for length of service; in all, \$105,543.

Engineer detachment: First sergeant; 3 staff sergeants; 9 sergeants; 12 corporals; 39 privates, first class; 52 privates; specialists—2 third class, 3 fourth class, 2 sixth class; additional pay for length of service; additional pay for qualification in marksmanship; in all, \$53,433.

Signal Corps detachment: Master sergeant; technical sergeant; staff sergeant; 2 sergeants; 2 corporals; 3 privates, first class; 2 privates; specialist, fifth class (chauffeur); additional pay for length of service; in all, \$8,127.

Const Artillery detachment: First sergeant; master sergeant; technical sergeant; staff sergeant; 5 sergeants; 21 privates, first class; 9 specialists, fifth class; additional pay for qualification in gunnery; additional pay for length of service; in all, \$18,285.

Miscellaneous: Travel allowance due enlisted men on discharge; interest on deposits due enlisted men; warrant officer and 2 staff sergeants for duty in the Cadet Corps headquarters; 2 master sergeants; staff sergeant; additional pay for length of service; in all, \$15,418.

Civilians: Teacher of music, \$2,000; two chief clerks at \$1,800 each; clerks—1 \$1,500, 6 at \$1,400 each, 2 at \$1,200 each, 6 at \$1,000 each; 4 clerks and stenographers at \$1,200 each; clerk and stenographer to superintendent, \$1,500; clerk to the treasurer, \$1,800; expert architectural draftsman, \$2,500; 2 civilian instructors of French and 2 civilian instructors of Spanish, to be employed under rules prescribed by the Secretary of War, at \$2,000 each; 2 expert civilian instructors in fencing, broadsword exercises, and other military gymnastics, at \$1,500 each; professional and expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming—2 at \$2,000 each, 1 \$1,500; librarian, \$3,000; assistant librarian, \$1,500; custodian of gymnasium, \$1,200; superintendent of gas works, \$1,500; chief engineer of power plant, \$2,700; assistant chief engineer of power plant, \$1,100; 3 assistant engineers of power plant at \$1,200 each; 8 firemen at \$780 each; 2 oilers at \$720 each; draftsman, \$1,200; mechanic and attendant, \$1,200; mechanic assistant, \$840; custodian of academy buildings, \$1,000; electrician, \$1,600; chief plumber, \$1,600; assistant plumber, \$900; plumber's helper, \$600; scavenger, \$720; chapel organist and choirmaster, \$2,500; superintendent of post cemetery, \$1,200; engineer and janitor of Memorial Hall, \$900; printer, \$1,600; assistant printer, \$1,100; janitress, Memorial Hall, \$600; master mechanic, \$1,800; clerk and photographer, \$1,300; stenographers, typewriters, attendants, copyists, clerks, librarians, or multigraph operators—1 \$1,040, 2 at \$1,000 each, 1 \$900, 2 at \$840 each; overseer of waterworks, \$720; engineer of steam, electric, and refrigerating apparatus, \$1,200; mechanic and attendant, \$720; janitor, \$600; bookbinder, \$1,200; 2 book sewers at \$540 each; skilled pressman, \$1,100; charwoman, \$480; messenger, \$720; in all, \$107,380: *Provided*, That the civilian instructors employed in the departments of modern languages and tactics shall be entitled to public quarters, fuel, and light.

Mr. WADSWORTH. Mr. President, I think just a word of explanation of this amendment would be serviceable to Senators who have not served on the Appropriations Committee working on the bill. The amendment, while it appears to be very extensive in the number of pages it covers, makes but one or two actual changes in the Military Academy appropriations.

The purpose of the committee was to conserve space in printing. It will be noted that the bill as it reached the Senate from the House was printed in such fashion as to take up many pages of print. It is itemized, and the items are strung along in such a way as to cover something like 15 pages. Several members of the committee have discussed this in years gone by, and upon encountering it in this bill, the committee made up its mind that it would present this portion of the bill to the Congress in compact form, covering exactly the same items, but printed in such a way that, instead of using up 15 to 19 pages, it can be contracted into 4 or 5 pages. That is the object of striking out page after page of the House text, and substituting the committee amendment.

I merely want to call attention to the changes which are made in the first amendment. The pay of seven professors of the Military Academy is raised from \$26,500 to \$27,000, that being due to the new pay bill.

There are other changes in the total of pay of the different military detachments stationed at the academy, and those changes in the aggregate form a reduction as compared with the House text, and each of them is due to the change in the pay schedules in accordance with the new pay bill.

One salary is raised, that of a civilian—I refer to the organist and choirmaster at West Point. It is proposed that his salary should be raised from \$1,500 to \$2,500, for reasons which the committee believe were exceedingly good. In fact, the committee was unanimous in its belief that this man, who has made an extraordinary success at West Point, shall receive for his services at least \$2,500.

So far as the paragraph "Pay, Military Academy," is concerned, I think I have pointed out the changes made by the



Senate. They result in an actual decrease of about \$5,800 in the total of pay for the Military Academy.

So I ask that the amendment, commencing on line 14, page 93, striking out all of the bill down to line 4, page 104, and substituting the matter in italics commencing on line 5, page 104, and extending to line 19, page 107, be considered as one amendment, striking out and substituting practically the same text.

The amendment was agreed to.

The next amendment was, on page 107, line 20, to reduce the total appropriation for pay, Military Academy, from "\$1,685,928" to "\$1,681,049."

The amendment was agreed to.

The next amendment was, on page 107, after line 21, to insert:

All the moneys hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for as pay of the Military Academy, and for that purpose shall constitute one fund.

The amendment was agreed to.

Mr. BORAH. There is a provision in the law passed at the last session of Congress with reference to inhibiting deficits. Is that in this bill?

Mr. WADSWORTH. It is in the same place in this bill. As I recollect, the Senator from Idaho was the author of it.

Mr. BORAH. It is kept in this bill?

Mr. WADSWORTH. It is kept here. I am quite sure I know what the Senator refers to, the so-called Borah amendment, which is kept in this bill.

The next amendment was, under the subhead "Maintenance, United States Military Academy," on page 108, after line 1, to strike out:

Current and ordinary expenses: For the expenses of the members of the Board of Visitors, or so much thereof as may be necessary, \$750.

Contingencies for superintendent of the academy, \$3,000. Repairs and improvements, namely: Timber, plank, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, screws, nails, locks, hinges, glass, paints, turpentine, oils, labor, etc., \$55,000. For fuel and apparatus, namely: Coal, wood, etc., including labor, \$60,000.

For gas pipes, gas and electric fixtures, etc., \$10,000. For fuel for cadets' mess hall, shops, and laundry, \$15,000. For postage and telegrams, \$1,200. For stationery, namely: Blank books, paper, etc., \$3,500. For transportation of materials, cadets, discharged cadets, etc., \$15,000.

Printing and binding, etc., \$3,000. For department of Cavalry, Artillery, and Infantry tactics: Tan bark or other proper covering for riding hall, to be purchased in open market upon written order of the superintendent, \$1,500. For camp stools, office furniture, etc., \$4,000. For gymnasium and athletic supplies, etc., \$7,500. For the maintenance of one automobile, \$300. For repairs to saddles, bridles, etc., \$500. For the purchase of carbons and for repairs and maintenance of searchlights, etc., \$250.

For the purchase of stationery and office supplies for the office of senior instructor of Coast Artillery tactics, \$75.

For the purchase of machines, tools, textbooks, and material for the practical instruction of cadets in the maintenance, repair, and operation of all classes of motor transportation and automobile or internal combustion engines, \$1,000.

For repair of mattresses, machines, etc., in gymnasium of Cavalry barracks, \$100.

For material for hurdles, etc., riding hall, \$600. For general maintenance and repairs to the site of the cadet camp, \$10,000.

For repair of obstacles on mounted drill ground, and for constructing other obstacles, etc., \$100.

For the purchase of thread, wax, needles, etc., in the Cavalry stables, \$200.

For the purchase of thread, wax, needles, etc., in the Artillery stables, \$200.

For material for preserving floors, etc., Artillery barracks and stables, \$150.

For the purchase of tools, machines, etc., Artillery gun shed, \$500. For repair to mattresses, machines, etc., in drill hall and gymnasium of Artillery barracks, \$100.

For the purchase of new and upkeep of worn-out rubber matting in squad rooms of Artillery barracks, \$150.

For purchase of stationery and office furniture in office of senior assistant instructor of Field Artillery tactics, \$100.

For material for preserving floors, etc., Cavalry barracks and stables, \$100.

For repair of mattresses, machines, etc., in drill hall and gymnasium of Engineer barracks, \$100.

For department of civil and military engineering: Textbooks, stationery, etc., \$1,200.

For department of natural and experimental philosophy: Textbooks, apparatus, etc., \$3,500.

For department of instruction in mathematics: Textbooks, stationery, etc., \$1,250.

For department of chemistry, mineralogy, and geology, \$2,500.

For department of drawing: Drawing materials, etc., \$2,000.

For department of modern languages: Stationery, etc., \$1,900.

For department of law: Books, stationery, etc., \$2,000.

For department of practical military engineering: Models, books, stationery, etc., \$4,500.

For department of ordnance and gunnery: Models, instruments, books, etc., \$2,150.

For the purchase of machines, tools, etc., for practical instruction of cadets in wood and metal working, \$500.

For department of military hygiene, \$500.

For department of English and history: For purchase of stationery, books, etc., \$1,000.

For department of economics and government and political history: Purchase of textbooks, stationery, etc., \$1,000. For a course of lectures for the more complete instruction of cadets, \$1,200.

For the maintenance of one automobile truck, \$300. In all, current and ordinary expenses, \$219,475.

Miscellaneous items and incidental expenses: For commercial periodicals, stationery, etc., for the office of the treasurer United States Military Academy, \$300.

For gas coal, oil, candles, etc., for operating the gas plant, \$18,000. For water pipe, plumbing, and repairs, \$8,000.

For material and labor for cleaning and policing public buildings, \$6,620.

For supplies for recitation rooms not otherwise provided for and for renewing and repairing furniture in same, \$1,000.

Increase and expense of library, \$7,200.

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, \$500: *Provided*, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

For the purchase and repair of instruments and maintenance of the band, \$1,500.

For the repair and purchase of cooking utensils, chairs, etc., cadet mess, which may be expended without advertising, to be immediately available, \$3,000.

For the policing of barracks and bathhouses, \$25,000.

For supplying light and plain furniture to cadets' barracks, \$10,000.

For the purchase and repair of cocoa matting for the aislesways in the stables of the riding hall, \$300.

For maintaining the children's school, etc., \$6,500.

For purchase and repair of fire-extinguishing apparatus, \$1,000. In all, miscellaneous items and incidental expenses, \$88,920.

Buildings and grounds: For cases, materials, etc., ordnance museum in headquarters building, \$1,500.

For repairs to ordnance laboratory and other buildings pertaining to department of ordnance and gunnery, \$150.

For general repairs to cadet laundry building, etc., to be expended without advertising, \$400.

For general incidental repairs and improvements to the cadet store building, including storerooms, office, tailor shops, and shoe-repairing shops, \$1,000.

For materials and labor for repairs, etc., soldiers' hospital, \$165.

For repair and upkeep of quarters of the staff sergeant, Medical Department, at soldiers' hospital, \$50.

For waterworks, \$3,000.

For the repair and restoration of retaining walls along the line of the Popolop pipe line, \$3,000.

For carrying on the development of the general plan for improvements to roads and grounds, \$3,000.

For repairs and necessary alterations and additions to the cadet hospital, as follows: For materials for radiators, piping, furniture, etc., \$120.

For purchase of flowers and shrubs for hospital grounds, \$100.

For repairing the cadet exchange, \$1,000.

For necessary repairs and replacements in steam heating system and line in cadet mess, which may be expended without advertising, \$1,000.

For repairs to the cadet mess building, which may be expended without advertising and to be immediately available, \$1,000.

For repairs and improvements to the West Point Army mess building, including supplying and renewing furniture and fittings, \$2,500.

Altering coal bunkers in power plant, \$10,000.

For repair and maintenance of the cadet bathhouse and the purchase and maintenance of boats and canoes for the instruction of cadets in rowing, \$750.

For the repair and upkeep of quarters of the master sergeant, Medical Department, at the cadet hospital, \$50.

For repairs to the cadet barracks, to be immediately available, \$15,000.

For maintaining and improving grounds of post cemetery, \$2,000.

For continuing the construction of breast-high wall in dangerous places, \$1,000.

For broken stone and gravel for roads, \$10,000.

For repairs of boilers, engines, dynamos, motors, etc., cadet mess, which may be expended without advertising, to be immediately available, \$3,350.

For the repair and improvement of cadet polo field, \$800.

For waterproofing the post headquarters, bachelor, gymnasium, and other large buildings, \$2,000.

For care and maintenance of organ in cadet chapel, \$250.

For general repairs to the buildings of the Coast Artillery fire-control system, \$100.

For material and labor for repair of Field Artillery target range, \$500.

For repair and upkeep of stable No. 4 and corral, for purchase of paint, nails, etc., \$300.

For erection of steel hangar now on hand, \$1,500.

And to insert in lieu thereof:

For text and reference books for instruction; increase and expense of library; office equipment and supplies; stationery, blank books, forms, printing and binding, periodicals; expenses of lectures (not to exceed \$1,200); equipment, supplies, and materials for purposes of instruction and athletics and maintenance and repair thereof; musical instruments and maintenance of band; equipment for cadet mess; postage, telephones and telegrams; freight and expressage; transportation of cadets and discharged cadets; maintenance of children's school; contingencies for Superintendent of the Academy (not to exceed \$3,000); expenses of the members of the Board of Visitors; contingent fund, to be expended under the direction of the academic board, for instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for (not to exceed \$500); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences), and labor, material, and equipment incident thereto; water and sewers; maintenance and repairs to cadet camp site; fire extinguishing apparatus; machinery and tools and repair of same; maintenance, repair, and operation of an automobile and one motor truck; policing buildings and grounds; furniture for official purposes at the Academy; fuel for heat, light, and power; and other necessary incidental expenses in the discretion of the superintendent; in all, \$357,580, of which \$7,350 shall be immediately available.

For altering coal bunkers in power plant, \$10,000.

For repairs to the cadet barracks, to be immediately available, \$15,000.

For erection of steel hangar now on hand, \$1,500.

Mr. WADSWORTH. This is the same sort of an amendment as the one I described a few moments ago. It is to consolidate the printing of the bill, to shorten it, and thereby to save really thousands and thousands of dollars in printing bills for the Government. But I desire to perfect the committee amendment.

On page 116, line 14, after the word "power" at the end of the line and before the semicolon, I move to insert in parentheses the words "not exceeding \$65,000."

The amendment to the amendment was agreed to.

Mr. WADSWORTH. I desire to offer one more perfecting amendment, to conform to the amendment which has just been adopted. On line 16, page 116, the figures "\$350,580" should be stricken out, and there should be substituted the figures "\$352,580."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was agreed to.

The next amendment was, on page 117, after line 12, to strike out:

In all, buildings and grounds, \$65,685.

The amendment was agreed to.

The next amendment was on page 117, in line 15, to strike out "\$304,080" and insert in lieu thereof "\$384,080."

Mr. WADSWORTH. The amendment should be changed to read "\$379,080."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the committee was, in line 16, to strike out "\$2,060,008" and insert in lieu thereof "\$2,065,129," so as to read:

In all, Military Academy, \$2,065,129.

Mr. WADSWORTH. That should be corrected also as a total. It should read \$2,060,129.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 117, after line 16, to strike out:

No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

The amendment was agreed to.

The next amendment was, on page 118, after line 2, to strike out:

Except as expressly otherwise authorized herein, no part of the sums appropriated by this act for military purposes shall be expended in the purchase from private manufacturers of any material at a price in excess of 25 per cent more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per cent more than the estimated cost of manufacture by the Government.

The amendment was agreed to.

The next amendment was, on page 118, after line 11, to strike out:

Expenditures for carrying out the provisions of this act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate.

The amendment was agreed to.

The next amendment was, on page 120, line 15, after the name "New Jersey," to strike out "\$93,538.69" and to insert "\$92,449.23"; at the end of line 21 to strike out "radio dynamic torpedoes, \$720,000"; and on page 121, at the end of line 4, to strike out "\$3,694,944.95" and to insert "\$2,973,855.49," so as to read:

The following unexpended balances or portions of unexpended balances or combined unexpended balances or combined portions of unexpended balances of appropriations for the support of the Military Establishment and for other purposes shall be carried to the surplus fund and be covered into the Treasury immediately upon the approval of this act: Arming and equipping the militia, \$178,120.96; field artillery for Organized Militia, \$549.84; temporary office building, War Department, \$4,907.10; military posts, Schofield Barracks, Hawaii, \$856.60; transportation for refugee American citizens from Mexico, \$50,846.69; transportation to China of Chinese refugees, \$31,165; memorial archway at Vicksburg, Miss., \$500; National Memorial Celebration and Peace Jubilee, Vicksburg, Miss., \$23,229.63; medals for officers, men, etc., of National Guard, War with Spain, and Mexican border service, \$207.87; equipping Army transports with lifeboats and rafts, \$2,218.08; exchange of Army cold-storage plant, Chicago, Ill., \$500; supply depot, Fort Sam Houston, Tex., \$1,017.49; Army supply depot, Fort Mason, Calif., \$2.64; road to national cemetery, Salisbury, N. C., \$235.09; Signal Service of the Army, \$407.10; repair and restoration of defenses of Galveston, Tex., \$1,797.81; sea walls and embankments, Panama Canal, \$3,270.99; land defenses, Panama Canal, \$1,165.30; terminal

storage and shipping buildings, \$21,440.43; armament of fortifications, act of February 28, 1920, \$2,619; proving ground, Sandy Hook, N. J., \$92,449.23; ordnance depot, Panama Canal, \$35,980.22; storage facilities at armories and arsenals, \$1.45; automatic rifles, \$2,439.20; ordnance depot, Honolulu, Hawaii, \$42.68; Army powder factory, \$2.40; international rifle competition, Camp Perry, Ohio, \$2,202.38; inland and port storage and shipping facilities, \$2,000,000; Frankford Arsenal, Philadelphia, Pa., \$165,777.64; Picatinny Arsenal, Dover, N. J., \$92,824.11; Rock Island Arsenal, Rock Island, Ill., \$243,384.04; San Antonio Arsenal, San Antonio, Tex., \$3,723.31; Springfield Arsenal, Springfield, Mass., \$1,945.01; Watervliet Arsenal, West Troy, N. Y., \$2,237.62; Watertown Arsenal, Watertown, Mass., \$5,788.58; total appropriations recovered, \$2,973,855.49.

The amendment was agreed to.

The next amendment was, under Title II—Nonmilitary activities of the War Department, subhead "Quartefmaster Corps—National cemeteries," on page 121, line 20, after the word "Chapel," to insert a comma and the words "and an additional sum of \$15,000 for said repairs is hereby appropriated," so as to make the paragraph read:

The unobligated balance of \$5,000 of the appropriation for construction of the Arlington Memorial Amphitheater and Chapel is hereby made available for expenditure under the direction of the Quartermaster General, United States Army, for repairs to the Arlington Memorial Amphitheater and Chapel, and an additional sum of \$15,000 for said repairs is hereby appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 122, to strike out: For reconditioning the road from Fort Gibson, Okla., to the Fort Gibson National Cemetery, Okla., \$20,000.

The amendment was agreed to.

The next amendment was, on page 123, line 5, after the figures "\$70,000," to strike out the colon and the following proviso:

Provided, That no part of this appropriation shall be used for the purchase of headstones of a design different from that heretofore furnished for the graves of Union and Confederate soldiers.

The amendment was agreed to.

The next amendment was, on page 124, line 1, after the word "Academy," to strike out "acting assistant" and to insert "contract"; at the beginning of line 2 to insert "members of the Army Nurse Corps"; in line 19, after the word "list," to insert "including civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field"; and on page 125, line 4, after the word "France," to strike out "the sum of \$400,000 is hereby made available during the fiscal year 1923 from the unobligated balance of the amounts available for this purpose for the fiscal year 1922" and to insert "for the care and maintenance of graves of officers, soldiers, and civilian employees of the Army abroad, including the erection of necessary buildings and improvements at permanent American cemeteries and care and maintenance thereof; the sum of \$1,143,720 of the unobligated balances of the appropriations for 'Disposition of remains of officers, soldiers, and civilian employees,' for the fiscal years 1920, 1921, and 1922 is hereby made available for the fiscal year 1923 for the purposes set forth in this paragraph," so as to make the paragraph read:

Disposition of remains of officers, soldiers, and civilian employees: For interment, cremation (only upon request from relatives of the deceased), or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy, contract surgeons, members of the Army Nurse Corps, and enlisted men in active service, and accepted applicants for enlistment; for interment or preparation and transportation to their homes of the remains of civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field; interment of military prisoners who die at military posts; for the interment and shipment to their homes of remains of enlisted men who are discharged in hospitals in the United States and continue as inmates of said hospitals to the date of their death; for interment of prisoners of war and interned alien enemies who die at prison camps in the United States; for removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list, including civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field, are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910; expenses of the segregation of bodies in permanent American cemeteries in Great Britain and France; for the care and maintenance of graves of officers, soldiers, and civilian employees of the Army abroad, including the erection of necessary buildings and improvements at permanent American cemeteries and care and maintenance thereof; the sum of \$1,143,720 of the unobligated balances of the appropriations for "Disposition of remains of officers, soldiers, and civilian employees," for the fiscal years 1920, 1921, and 1922 is hereby made available for the fiscal year 1923 for the purposes set forth in this paragraph.

The amendment was agreed to.



Mr. KING. Mr. President, may I inquire of the Senator whether, if the provision for the size of the Army should be changed and it should be reduced to the limit fixed by the House or any intermediate number, the items that are being considered now would have to be reverted to and changed in any way?

Mr. WADSWORTH. No; unfortunately this item can never be changed; it affects the dead in France.

Mr. KING. I refer to the various items just passed. I am not speaking of any particular one.

Mr. WADSWORTH. We are now on the nonmilitary activities of the War Department, none of which have anything to do with the size of the Army.

Mr. KING. Have all the items been passed over which would be required to be changed if the personnel provision were changed?

Mr. WADSWORTH. There are about three of them under the general group of items of pay of the Army—subsistence, transportation, and regular supplies.

Mr. KING. The question of military posts and forts is what I had in mind. Would not the number of those which are retained be materially modified if the number of the personnel of the Army was reduced to 100,000 or 107,000?

Mr. WADSWORTH. The truth of the matter is that the permanent posts in the United States are not now sufficient to hold the Army. Some of the Army is still in temporary cantonments and they are being given up anyway. We can not reduce the number of permanent posts. This bill, in effect, provides only for the care of permanent posts, as the temporary ones are being given up, and even then the posts will be crowded.

Mr. KING. I think the Senator was of the opinion, according to my recollection, that many of the large military posts, forts, and so forth, that we had for years, should be abandoned.

Mr. WADSWORTH. I think they should be.

Mr. KING. I agree with the Senator.

Mr. WADSWORTH. But we can not abandon them until we concentrate the housing facilities into a smaller number of posts and to do that means appropriations for the building of barracks.

Mr. KING. Are not provisions contained in the bill or in some other legislation for the abandonment of many of those posts which are unnecessary?

Mr. WADSWORTH. There are provisions contained in other legislation for the abandonment of certain installations. I do not think that there are any mandatory provisions of legislation concerning Army posts, but there are for depots, docks, wharves, munitions factories, and seaboard bases, and installation of that kind, at which Army personnel and civilian employees under the War Department are now stationed, and they, I should hope, would soon be withdrawn.

Mr. KING. The Senator knows far better than I that there are a good many posts in the interior of the United States, at various parts of the United States, which were deemed to be wholly unnecessary even if we had a large Army, much larger than that fixed in the bill. I was wondering if any provisions had been made in this legislation or in any other legislation for the permanent abandonment or disposition of some of those useless and unnecessary posts.

Mr. WADSWORTH. There has not.

Mr. KING. Does the committee intend to make any recommendation concerning that matter?

Mr. WADSWORTH. We understand that the House Committee on Military Affairs are giving a great deal of study to the whole question of War Department real estate. I have no doubt they will determine the disposition of some of the old permanent posts as well as some of the real estate and buildings which were acquired during the war. But let me remind the Senator that the permanent posts, the old-time permanent posts which we had prior to our entrance into the war against Germany, in continental United States, will only house 72,000 men.

Mr. KING. Of course, many of those, as the Senator knows, no matter whether we had a large or small Army, would never be used again.

Mr. WADSWORTH. Nearly all of them are used, but I think it is uneconomical to use as many, scattered as they are. However, the Secretary of War has been powerless. He has no right to sell or get rid of any of the posts. He can close them, or rather move the troops away, but he has to leave a caretaking detachment there. So there is hardly any economy in moving the troops away from such posts, because they still have to be taken care of.

Mr. KING. That is what I had in mind, and I was about to call the attention of the Senator to the fact that a great deal of

cost is incurred in the upkeep of those posts which are unnecessary. It occurred to me that we ought to make some disposition of them. I called the Senator's attention to the matter during the consideration of the last Army appropriation bill.

Mr. WADSWORTH. If the Army is ever permitted by the Congress to reach a point where it is stable in numbers and in distribution, then the War Department and the Congress can tell what posts should be abandoned and what posts should not. But ever since April 6, 1917, the Army has been in a state of flux, and is to-day. There is not an officer in the Army from the Secretary of War down who knows how big the Army is going to be or how long it is going to stay at any particular size. I wish Congress would finally make up its mind whether or not it wants an army; and if so, how large. When we make up our minds to that then we can tell how we shall house that army.

Mr. KING. I do not think the Senator can proceed upon the theory that there will be fixed for a definite period the number of officers and personnel of the Army.

Mr. WADSWORTH. That is not the theory upon which the posts are held.

Mr. KING. I understand that.

Mr. WADSWORTH. They can not be sold.

Mr. KING. Then why should we not report some legislation authorizing the disposition of those forts and posts?

Mr. WADSWORTH. I think it would be proper, but I must again point out to the Senator that it is almost impossible for any committee of Congress to lay down a general housing plan until the general military plan is laid down first.

Mr. KING. I agree with the Senator in that, but I have talked with some members of the staff as well as others, and I think it is the consensus of opinion of the Army officers that there are a good many posts in the United States that never will be utilized, no matter how large an Army we have. It does seem to me that as to those there should be some legislation providing for their disposition. Of course, I am not a member of the committee, and I can not force the committee to make any recommendation, but it does seem to me it ought to take that matter into account and make some recommendation.

Mr. HARRIS. Mr. President—

Mr. KING. I yield to the Senator from Georgia.

Mr. HARRIS. I think the Senator from Utah is exactly right about these posts. I hope the Senator will offer an amendment to the bill giving the Secretary of War power to dispose of the old posts that are not being used. They are an expense to the Government. I think, perhaps, the committee would agree to such an amendment. The Secretary of War ought to have that power, and as long as Congress does not give it to him he is powerless to do anything to save expense. We could use the money obtained from the sale of those posts in the enlargement of other posts where the Army would be stationed and thus save a good deal of money for the Government.

Mr. WADSWORTH. Let me say that I wish Congress would do something like that, but I have not the slightest hope that Congress will do any such thing. I do not believe Congress is going to authorize the Secretary of War to sell the Army posts in his discretion, for nearly every Member of Congress who has an Army post in his State would not want the Secretary of War to sell that post and hence would not vote to give the Secretary of War power to do it. I would vote to give the Secretary of War that power to-day.

Mr. KING. So would I.

Mr. WADSWORTH. But we will find terrific opposition to any such proposition.

Mr. KING. The Senator from Georgia expressed the wish that I would offer such an amendment. I dislike to do that. I have such confidence in the chairman of the Committee on Military Affairs, and I know he has labored so industriously and faithfully to prepare a good bill, that I would dislike to do that. I had hoped that the committee itself would see the wisdom and propriety of offering in the bill a provision of that character.

Mr. WADSWORTH. Of course, it would be legislation on an appropriation bill, and the committee had made up its mind that it must not attempt legislation on this bill which would arouse contention, and, of course, result in a point of order. Such a point of order would cause the whole bill to go back to the committee. There were three little amendments which I have offered, which the committee has picked out as three legislative suggestions to which no one could ever object, and we decided to offer them on the floor after asking unanimous consent. However, the committee discussed this matter in connection with several other matters, and made up its mind that it would not offer as a part of the bill legislative amendments

which certainly would give rise to objection, and hence to a point of order, and hence to a recommittal of the bill.

Mr. KING. Much as I would like to see that legislation, I feel that I ought not to resist the attitude of the committee, but I do regret that the committee has not reported a bill of that character. I hope it will do so at an early date, because I think it is very unfortunate that we have to maintain such a large number of posts, at considerable expense, when it is apparent they never will be used. I think the committee ought to report a bill authorizing the Secretary of War, and, of course, he would consult the Chief of Staff and military officials, to make such investigation as he may deem necessary, and then to dispose of all military land and forts and posts that are regarded as unnecessary for the future needs of the Army.

Mr. WADSWORTH. Then we can not fix the housing for any definite period.

Mr. KING. That may be true, and yet we might determine whether certain forts and posts, whether there is a big or little Army shall be retained, because it is manifest there are a great many posts which, even though we had an Army of 500,000 men, would not be utilized. It seems to me the height of folly to keep these posts upon the theory that we have yet to determine how big the Army is going to be, and therefore we must hold on to them.

If the Senator from New York would report such a bill, I am sure he would find in this Chamber almost unanimous support for it.

Mr. WALSH of Montana. Mr. President, the anticipations of the Senator from New York [Mr. WADSWORTH] are perfectly well founded. He may expect opposition to any movement of that character. In my judgment, legislation of that kind would be exceedingly unwise. I think such posts as may have no military value ought to be disposed of individually. Take the post at my home town, Fort William Henry Harrison. The original site consisted of a thousand acres of land adjacent to the city and was acquired by popular subscription by the citizens of the community and presented to the Government as a site for that post. Additional lands have since been acquired by the Government. Upon what basis of justice is the Government now going to take that property and sell it to the highest bidder for private uses?

Take Fort Assiniboine, in the northern part of my State. That is an old post which was established during the time of the Indian troubles. It was a very famous headquarters for military operations. General Miles made his headquarters there for many years. Buildings were constructed there at very great cost to the Government of the United States. Congress eventually, after the post was abandoned, deemed it wise to present the buildings, with a portion of the grounds, to the State of Montana for the purpose of an agricultural experiment station. I think it would be a most unfortunate thing if that property had been put up for sale and sold to anybody who might be willing to take the buildings for their wreckage value, whatever that might be.

I think these posts ought to be disposed of in some way or other, but there are so many peculiar conditions surrounding the various posts that I think it would be exceedingly unwise to authorize the Secretary of War to dispose of them at public auction.

Mr. KING. I suggest to the Senator from Montana that it seems to me a general bill could be so framed as that the particular cases to which he has called attention and others might be guarded and provided for. For instance, there would be no impropriety, indeed, it would be quite proper, to provide in such a bill that where, as in the case first mentioned by the Senator from Montana, the citizens had purchased the property and had given it to the Government, the Secretary of War would have authority in a case of that kind out of the proceeds derived from the sale to refund to the State or to the people the amount which they had contributed.

Mr. WALSH of Montana. Let me instance Fort Assiniboine, which comprised at one time a great reservation of some 40,000 acres. The buildings, my recollection is, with 1,000 acres were donated to the State for educational purposes. The remainder of the 40,000 acres was open to settlement under conditions stipulated in the act. I think it would be an unfortunate thing to authorize the Secretary of War to sell off the 40,000-acre reservation to somebody who would use it for a cattle preserve. So I submit that it will be found exceedingly difficult to frame, as I think, a statute generally applicable to abandoned military reservations.

Mr. KING. I concede from the statement of the Senator from Montana that there would be some very serious difficulties in providing general legislation on the subject; but that only illus-

trates the proposition, that if we should attempt to enact general legislation, perhaps, there ought to be a supervisory board and a good deal of latitude provided. At any rate, if a general bill is not introduced, it would seem that a committee or the Secretary of War should be authorized to make a survey and report to Congress what military posts are unnecessary, with such recommendations as they feel it proper should be made. Then, Congress, acting upon that report, should take such steps in accordance therewith as it might deem necessary.

Mr. WALSH of Montana. That would seem to be quite wise, and some definite action ought to be taken with respect to that matter. A great deal of embarrassment has ensued by reason of the fact that it is impossible to get from the War Department a declaration of its purposes with reference to many posts that are not now occupied. If I remember aright, we sought to secure the use of quite a number of them for hospitalization of ex-service men who were suffering and in need of care. We asked that they be turned over to the Public Health Service. They had not been occupied for years for military purposes, yet the War Department apparently is unwilling either to occupy them or to let them go. Perhaps Congress should bear a share of the blame for not adopting a definite policy, as indicated by the Senator from New York, concerning the size of the Army, for, perhaps, it is impossible for the War Department to tell just how many ought to be preserved until they know exactly what the size of the Army is to be.

Mr. WATSON of Georgia. Mr. President, I recognize the force of what has been said by the Senator from Montana, but it seems to me that Congress might relinquish the Government's claim to these lands, allow the Senate to take title, and then let the States in their wisdom make some disposition of them. Perhaps each abandoned post would stand on a different footing. In my State there are some useless forts which are maintained at the expense of the Government, and I know that the State would like to have them and would make wise use of them; and no doubt the same thing would be done in Montana and in various other States. If the proposition were put up to Congress that each State should make its own disposition of these useless forts and relieve the Federal Government of the expense of their maintenance, it might meet the approval of both Houses.

Mr. BORAH. Mr. President, I want to ask the Senator in charge of the bill how many Army posts there are now?

Mr. WADSWORTH. In continental United States there are 240.

Mr. BORAH. I have been absent for a few moments and do not know what the discussion has been. Has there been any concerted or systematic action on the part of the department toward reducing the number of posts and getting rid of some of them?

Mr. WADSWORTH. There has been no concerted carefully planned out action, for the simple reason that the War Department has never been able to tell during the last two or three years how much of an Army we were going to have; but it is perfectly plain that, if the Army should once reach a figure of stability, the War Department would be able to recommend the abandonment of certain posts.

Mr. BORAH. I do not suppose that we will ever have anything like a recognized and established standard as to the size of the Army.

Mr. WADSWORTH. If it would not fluctuate so violently the department would be in a better position. Last year, it will be recalled, we discharged in three months 80,000 men, which was a very violent fluctuation, and this year it is proposed by a bill introduced in the Senate to discharge 75,000 more. Of course, the War Department can not tell where it stands with legislation of that kind pending all the time.

Mr. BORAH. I do not know who introduced that bill.

Mr. WADSWORTH. The Senator from Utah [Mr. KING].

Mr. BORAH. I thought the Senator from New York was referring to me.

Mr. WADSWORTH. No; the Senator from Utah "saw it first."

Mr. BORAH. What I was going to say was that we will scarcely have an Army at any time, unless there is actual war, to require the number of posts in the United States indicated by the Senator from New York. Many of these posts would not be used under any ordinary circumstances for any sized Army within three hundred or four hundred thousand men.

Mr. WADSWORTH. The barracks at the posts to-day will not house 100,000 men.

Mr. BORAH. I know of a number of posts so situated geographically that they can not be utilized.

Mr. WADSWORTH. That is true of some, but not of others. For example, the posts which I have named, there are 75 Coast



Artillery posts and fortifications. Only 25 of them to-day are manned, but they are all armed with guns. We would have to retain them.

Mr. BORAH. That may be true with reference to those posts; but a number of posts were established during the days of Indian warfare which are still being maintained.

Mr. WADSWORTH. Yes; and in a stand-by condition, and they ought to be given up.

Mr. BORAH. I know of several myself.

Mr. WADSWORTH. The Senator will be surprised how hard it is to give them up if the question is put to the Congress.

Mr. BORAH. I was approaching that subject. If the Army post and navy yard questions were eliminated from the Army and Navy appropriation bills, respectively, we would have vastly more desirable bills.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 125, line 22, after the word "forces," to insert the following additional proviso:

*Provided further, That the funds made available by Public Resolution No. 44, Sixty-seventh Congress, for the purchase of real estate and improvement of cemeteries in Europe for American military dead shall remain available for the purposes specified in that resolution until June 30, 1923.*

The amendment was agreed to.

The next amendment was, on page 126, at the beginning of line 3, to strike out "\$5,600,000" and to insert "\$3,000,000," so as to make the proviso read:

*Provided further, That the sum of \$3,000,000 of the unobligated balance of the appropriation "Disposition or remains of officers, soldiers, and civil employees," for the fiscal years 1920, 1921, and 1922, shall be carried to the surplus fund and be covered into the Treasury upon the approval of this act.*

The amendment was agreed to.

The next amendment was, on page 127, line 10, to increase the appropriation for repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, from "\$100" to "\$1,000."

The amendment was agreed to.

The next amendment was, under the subhead "Medical and Surgical History of the World War," on page 128, line 6, after the word "illustrations," to strike out "\$4,800" and to insert "\$100," so as to make the paragraph read:

*Toward the preparation for publication under the direction of the Secretary of War of a medical and surgical history of the war with Germany, including services of an editor, and printing and binding at the Government Printing Office and the necessary engravings and illustrations, \$100: Provided, That the total cost of such history shall not exceed \$150,000.*

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I am going to take the liberty, on behalf of the committee, and I do it in the hearing of the present occupant of the chair (Mr. LENROO in the chair), to move to strike out, in line 4, on page 128, the words "including services of an editor, and." If those words are included in the text of the paragraph and the appropriation is left at \$100, it will be impossible to pay the editor at all. If the words are stricken out, the editor of this medical history will be paid under the \$16,600 appropriation which is provided earlier in the bill for this purpose. I move, therefore, that the words "including services of an editor, and" be stricken from the bill. It will then read:

*Toward the preparation \* \* \* of a medical and surgical history of the war with Germany, printing and binding at the Government Printing Office, and necessary engravings—*

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 130, line 2, after the word "Park," to strike out "\$50,000" and to insert "to be immediately available, \$100,000," so as to make the paragraph read:

*For completing the construction of a reflecting pool in west Potomac Park, to be immediately available, \$100,000.*

The amendment was agreed to.

Mr. KING. Mr. President, I should like to inquire of the Senator in charge of the bill why some of these parks and the reflecting pool in Potomac Park should be charged directly upon the Government of the United States? Why should not a part of those costs be paid by the District? They are in the District and are for the benefit of the residents of the District, as much so as any of the parks in the District; and it occurs to me that it would be wise to transfer to the District the charge of these parks and playgrounds and pools, and so forth, many of which are provided for in this bill. I will ask the

Senator whether that subject has received the attention of the committee? The Senator knows that if they were transferred to the District, then 40 per cent or 50 per cent or 60 per cent of the cost, depending upon the ratio of appropriation fixed as between the Government and the District, will be paid by the District.

Mr. WADSWORTH. The maintenance of all the parks in the District of Columbia is shared between the Federal Government and the District.

There are two national monuments here—the Washington Monument and the Lincoln Memorial—which are purely national in character. Although I have never before heard the suggestion the Senator from Utah has just made, for one I think it would be exceedingly unfair to ask that half of the maintenance of the Washington Monument be assessed against the taxpayers of the District of Columbia.

Mr. KING. I did not refer to the Washington Monument.

Mr. WADSWORTH. Or the Lincoln Memorial. The reflecting pool to which the Senator refers is in a sense, and a very true sense, a portion of the Lincoln Memorial. It is part of the work that is done in connection with the erection and completion of the Lincoln Memorial. This is only for construction. I think the citizens of this District should not be called upon to pay for the reflecting pool, which never would have been built except as an adjunct of the Lincoln Memorial. Indeed, it is a part of the Lincoln Memorial.

Mr. KING. I agree with the Senator there. If this is a part of the Lincoln Memorial, then I share the views of the Senator; but I was speaking generally, and not with reference to this item alone.

Mr. WADSWORTH. The Senator will notice that there are no parks at all in this appropriation. They are found in the District bill.

Mr. KING. My understanding was that many of these parks were charged to the Government exclusively. If I am in error, then much of my criticism is inapplicable.

Mr. WADSWORTH. I think the Senator is—just those two things, the maintenance of the Washington Monument and the roads and walks immediately around it, and the maintenance of the Lincoln Memorial and the roads and walks immediately around that.

Mr. KING. Then I have no objection to that.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 130, at the end of line 12, to reduce the appropriation for survey of northern and northwestern lakes, etc., from "\$107,000" to "\$75,000."

The amendment was agreed to.

The next amendment was, on page 131, line 17, to increase the appropriation for the construction, repair, and maintenance of military and post roads, tramways, ferries, bridges, and trails, Territory of Alaska, from "\$425,000" to "\$500,000."

The amendment was agreed to.

The next amendment was, under the subhead "Transportation facilities, inland and coastwise waterways," on page 132, line 21, after the figures "1920," to strike out "\$30,000" and to insert "\$330,000," so as to read:

*For additional expense incurred in the operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act of March 21, 1918, and operated in pursuance of section 201 of the transportation act approved February 28, 1920, \$330,000.*

The amendment was agreed to.

The next amendment was, on page 132, line 21, after the word "That," to insert "not to exceed \$30,000 of"; and on page 133, line 3, to strike out "\$4,500" and to insert "\$4,000," so as to make the proviso read:

*Provided, That not to exceed \$30,000 of this appropriation may be used for the payment of experts, clerks, and other employees in the War Department in accordance with the provisions of section 201 (e) of the transportation act, 1920, approved February 28, 1920, but no person shall be employed hereunder at a rate of compensation in excess of \$3,000 per annum except 1 at \$4,000.*

The amendment was agreed to.

Mr. KING. Mr. President, I ask for my own information, not by way of criticism, the reason for including in the military bill some items which would seem to belong to the river and harbor bill—for instance, the flood control.

Mr. WADSWORTH. The river and harbor bill is in here, too.

Mr. KING. In this bill?

Mr. WADSWORTH. Yes.

Mr. KING. I was not advised of that fact.

Mr. WADSWORTH. It would be much easier and quicker to say what is not in this bill than to recite what is in it.

Mr. KING. Then this is a military bill and a river and harbor bill?

Mr. WADSWORTH. It is. It also includes the soldiers' homes, the Panama Canal Zone, parks and cemeteries, Alaska roads, cables to Alaska, and—but, as I said, it would take too long to recite what is in it.

Mr. WARREN. Mr. President, I will say to the Senator from Utah that I presume the reason why all of these things are assembled in this bill is because the work on rivers and harbors is done under the direction of the engineers who are connected with the Army, and therefore that work is here, with all the others.

Mr. BORAH. Mr. President, I suggest to the Senator from Utah that those of us out in the West who are interested in the reclamation of arid lands had better make a move to put them under the Army engineers if we are going to get any money for the purpose.

Mr. KING. It seems to me that this is going to be an omnium gatherum bill; we had better put appropriations in it with respect to other matters of which the Government takes cognizance. I supposed this was a military appropriation bill.

Mr. WADSWORTH. It is the War Department appropriation bill. Anything that the War Department has anything to do with is covered in this bill.

Mr. ROBINSON. Mr. President, the jurisdiction of the various committees, and particularly of the Appropriations Committee, was recently revised, as the Senator from Utah will recall; and it was under that revision that all of the activities of the War Department are assembled under one bill, known as the military appropriations bill, which goes now to the Appropriations Committee instead of to the Military Affairs Committee; but three members of the Military Affairs Committee sit in conjunction with the Appropriations Committee while this particular bill is under consideration. This is a part of the result of the reorganization of the committees in both Houses of Congress intended to give effect to the Budget system.

Mr. KING. May I inquire of the Senator from Arkansas if he knows how much of an appropriation this bill carries for items which under former practice would be included in the river and harbor bill?

Mr. ROBINSON. The item carried in this bill is \$42,500,000.

Mr. KING. For rivers and harbors?

Mr. ROBINSON. Yes.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 138, after line 9, to strike out:

Northwestern Branch, Milwaukee, Wis.: Current expenses, including the same objects specified under this head for the Central Branch, \$38,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$140,000;

Household, including the same objects specified under this head for the Central Branch, \$70,000;

Hospital, including the same objects specified under this head for the Central Branch, \$70,000;

For transportation of members of the home, \$500;

Repairs, including the same objects specified under this head for the Central Branch, \$30,000;

Farm, including the same objects specified under this head for the Central Branch, \$8,000;

In all, Northwestern Branch, \$356,500.

Eastern Branch, Togus, Me.: Current expenses, including the same objects specified under this head for the Central Branch, \$38,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$95,000;

Household, including the same objects specified under this head for the Central Branch, \$90,000;

Hospital, including the same objects specified under this head for the Central Branch, \$48,000;

Transportation of members of the home, \$500;

Repairs, including the same objects specified under this head for the Central Branch, \$28,000;

Farm, including the same objects specified under this head for the Central Branch, \$18,000;

In all, Eastern Branch, \$317,500.

Southern Branch, Hampton, Va.: Current expenses, including the same objects specified under this head for the Central Branch, and including the maintenance, repair, and operation of motor-propelled passenger vehicles, \$54,000.

Subsistence, including the same objects specified under this head for the Central Branch, \$195,000;

Household, including the same objects specified under this head for the Central Branch, \$90,000;

Hospital, including the same objects specified under this head for the Central Branch, \$80,000;

For transportation of members of the home, \$1,000;

Repairs, including the same objects specified under this head for the Central Branch, \$44,000;

Farm, including the same objects specified under this head for the Central Branch, \$12,000;

In all, Southern Branch, \$476,000.

Western Branch, Leavenworth, Kans.: Current expenses, including the same objects specified under this head for the Central Branch, \$44,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$185,000;

Household, including the same objects specified under this head for the Central Branch, \$100,000;

Hospital, including the same objects specified under this head for the Central Branch, \$80,000;

For transportation of members of the home, \$500;

Repairs, including the same objects specified under this head for the Central Branch, \$35,000;

Farm, including the same objects specified under this head for the Central Branch, \$18,000;

In all, Western Branch, \$462,500.

Pacific Branch, Santa Monica, Calif.: Current expenses, including the same objects specified under this head for the Central Branch, \$48,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$250,000;

Household, including the same objects specified under this head for the Central Branch, \$100,000;

Hospital, including the same objects specified under this head for the Central Branch, \$100,000;

For transportation of members of the home, \$2,500;

Repairs, including the same objects specified under this head for the Central Branch, \$45,000;

Farm, including the same objects specified under this head for the Central Branch, \$14,000;

In all, Pacific Branch, \$559,500.

Marion Branch, Marion, Ind.: Current expenses including the same objects specified under this head for the Central Branch, \$25,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$120,000;

Household, including the same objects specified under this head for the Central Branch, \$50,000;

Hospital, including the same objects specified under this head for the Central Branch, \$90,000;

For transportation of members of the home, \$300;

Repairs, including the same objects specified under this head for the Central Branch, \$25,000;

Farm, including the same objects specified under this head for the Central Branch, \$9,000;

In all, Marion Branch, \$319,300.

Danville Branch, Danville, Ill.: Current expenses, including the same objects specified under this head for the Central Branch, \$54,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$220,000;

Household, including the same objects specified under this head for the Central Branch, \$100,000;

Hospital, including the same objects specified under this head for the Central Branch, \$80,000;

For transportation of members of the home, \$500;

Repairs, including the same objects specified under this head for the Central Branch, \$30,000;

Farm, including the same objects specified under this head for the Central Branch, \$11,000;

In all, Danville Branch, \$495,500.

Mountain Branch, Johnson City, Tenn.: Current expenses, including the same objects specified under this head for the Central Branch, \$25,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$120,000;

Household, including the same objects specified under this head for the Central Branch, \$80,000;

Hospital, including the same objects specified under this head for the Central Branch, \$80,000;

For transportation of members of the home, \$1,500;

Repairs, including the same objects specified under this head for the Central Branch, \$20,000;

Farm, including the same objects specified under this head for the Central Branch, \$16,000;

In all, Mountain Branch, \$322,500.

Battle Mountain Sanitarium, Hot Springs, S. Dak.: Current expenses, including the same objects specified under this head for the Central Branch, \$27,000;

Subsistence, including the same objects specified under this head for the Central Branch, \$70,000;

Household, including the same objects specified under this head for the Central Branch, \$60,000;

Hospital, including the same objects specified under this head for the Central Branch, \$40,000;

For transportation of members of the home, \$2,000;

Repairs, including the same objects specified under this head for the Central Branch, \$18,000;

Farm, including the same objects specified under this head for the Central Branch, \$6,000;

In all, Battle Mountain Sanitarium, \$223,000.

And in lieu thereof to insert:

For "Current expenses," "Subsistence," "Household," "Hospital," "Transportation," "Repairs," and "Farm," at the following branches, including the same objects respectively specified herein under each of such heads for the Central Branch, namely:

Northwestern Branch, Milwaukee, Wis.: Current expenses, \$38,000; subsistence, \$140,000; household, \$70,000; hospital, \$70,000; transportation, \$500; repairs, \$30,000; farm, \$8,000; in all, \$356,500.

Eastern Branch, Togus, Me.: Current expenses, \$47,000; subsistence, \$105,000; household, \$90,000; hospital, \$48,000; transportation, \$500; repairs, \$28,000; farm, \$18,000; in all, \$336,500.

Southern Branch, Hampton, Va.: Current expenses, including the maintenance, repair, and operation of motor-propelled passenger vehicles, \$54,000; subsistence, \$195,000; household, \$90,000; hospital, \$80,000; transportation, \$1,000; repairs, \$44,000; farm, \$12,000; in all, \$476,000.

Western Branch, Leavenworth, Kans.: Current expenses, \$44,000; subsistence, \$185,000; household, \$100,000; hospital, \$80,000; transportation, \$500; repairs, \$35,000; farm, \$18,000; in all, \$462,500.

Pacific Branch, Santa Monica, Calif.: Current expenses, \$48,000; subsistence, \$250,000; household, \$100,000; hospital, \$100,000; transportation, \$2,500; repairs, \$45,000; farm, \$14,000; in all, \$559,500.

Marion Branch, Marion, Ind.: Current expenses, \$25,000; subsistence, \$120,000; household, \$50,000; hospital, \$90,000; transportation, \$300; repairs, \$25,000; farm, \$9,000; in all, \$319,300.



Danville Branch, Danville, Ill.: Current expenses, \$54,000; subsistence, \$220,000; household, \$110,000; hospital, \$90,000; transportation, \$500; repairs, \$40,000; farm, \$11,000; in all, \$525,500.

Mountain Branch, Johnson City, Tenn.: Current expenses, \$25,000; subsistence, \$120,000; household, \$60,000; hospital, \$80,000; transportation, \$1,500; repairs, \$20,000; farm, \$18,000; in all, \$322,500.

Battle Mountain Sanitarium, Hot Springs, S. Dak.: Current expenses, \$27,000; subsistence, \$70,000; household, \$60,000; hospital, \$40,000; transportation, \$2,000; repairs, \$18,000; farm, \$6,000; in all, \$223,000.

The amendment was agreed to.

The next amendment was, on page 145, after line 16, to strike out:

*Provided*, That moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment the appropriations made herein under the heads of "Current expenses," "Repairs," and "Farm."

The amendment was agreed to.

The next amendment was, on page 146, line 18, to increase the total appropriation for National Home for Disabled Volunteer Soldiers from "\$4,483,800" to "\$4,532,800."

The amendment was agreed to.

The next amendment was, under the head "The Panama Canal," on page 147, after line 6, to insert:

The limitations on the expenditure of appropriations hereinbefore made in this act shall not apply to the appropriations for the Panama Canal.

The amendment was agreed to.

The next amendment was, on page 148, line 25, after the figures "\$10,000," to insert a colon and the following proviso:

*Provided*, That not to exceed \$4,000 additional may be allowed the governor for expenses for entertainment, payable from the funds of the Panama Railroad Co.

The amendment was agreed to.

The next amendment was, on page 149, line 20, after the word "officer," to strike out "\$500,000" and to insert "\$550,000," so as to make the paragraph read:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$550,000.

The amendment was agreed to.

The next amendment was, on page 149, line 24, to increase the appropriation for civil government of the Panama Canal and Canal Zone from "\$915,000" to "\$950,000."

The amendment was agreed to.

The next amendment was, on page 150, line 1, to increase the total appropriation for the Panama Canal from "\$4,074,434" to "\$4,159,434."

The amendment was agreed to.

The next amendment was, on page 150, line 7, after the word "surplus," to strike out "or reserve stocks" and to insert "stock," so as to make the paragraph read:

The Governor of the Panama Canal, so far as the expenditure of appropriations contained in this act may be under his direction, shall, when it is more economical, purchase needed materials, supplies, and equipment from available surplus stock of the War Department.

The amendment was agreed to.

The next amendment was, on page 150, after line 7, to strike out:

No part of the foregoing appropriations for the Panama Canal shall be used to pay the salary for any position at a rate in excess of the rate in effect for such position on June 30, 1921.

The amendment was agreed to.

The next amendment was, on page 150, line 20, after the word "supplies," in line 19, to insert "and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act," so as to make the paragraph read:

Except in cases of emergency or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act, there shall not be employed at any time during the fiscal year 1923, under any of the foregoing appropriations for the Panama Canal, any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the Budget for said year, nor shall there be paid to any such person during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on July 1, 1921; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the governor in his report for the fiscal year 1923.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I think that finishes the reading of the bill for amendment, except for the amendments that have been passed over.

The PRESIDING OFFICER. The Secretary will state the first amendment passed over.

Mr. WADSWORTH. The Senator from Nebraska [Mr. NORRIS] and the Senator from Idaho [Mr. BORAH] probably desire to give consideration to the first amendment that was passed over, which commences on page 15, and as that is the amendment which governs the size of the Regular Army, and perhaps will be considered of most importance by a good many Senators, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Robinson
Borah	Glass	McKinley	Sheppard
Brandegee	Gooding	McNary	Shortridge
Broussard	Hale	Myers	Simmons
Bursum	Harrell	Nelson	Smith
Calder	Harris	New	Smoot
Cameron	Heflin	Newberry	Spencer
Capper	Hitchcock	Nicholson	Sterling
Caraway	Johnson	Norris	Sutherland
Culberson	Jones, N. Mex.	Oddie	Swanson
Cummins	Jones, Wash.	Page	Townsend
Curtis	Kendrick	Pepper	Wadsworth
Dial	King	Phipps	Walsh, Mass.
Edge	Ladd	Poinexter	Warren
Ernst	La Follette	Pomerene	Watson, Ga.
France	Lenroot	Ransdell	Williams
Frelinghuysen	Lodge	Rawson	Willis

The PRESIDING OFFICER (Mr. WILLIS in the chair). Sixty-eight Senators having answered to their names, a quorum is present. The Secretary will state the first amendment passed over.

The READING CLERK. The first amendment passed over was, on page 15, after line 7, in the item "Finance Department, pay, etc., of the Army," to strike out and insert.

Mr. BORAH. Mr. President, I want to make some observations which relate more particularly to the item on page 83, under Chemical Warfare Service.

Mr. WADSWORTH. May we go to that item, then, Mr. President, and consider it?

Mr. BORAH. Very well.

The PRESIDING OFFICER. The Secretary will state the amendment on page 83.

The READING CLERK. On page 83, line 4, Chemical Warfare Service, the committee proposes to strike out "\$500,000" and to insert in lieu thereof "\$750,000."

Mr. BORAH. Mr. President, what is known in history now as the disarmament conference adjourned in Washington in the fore part of February. The object of that conference was not only to actually reduce armaments and to take some steps toward peace, but supposedly also to create an atmosphere of peace, to break the war spirit, and to give encouragement to and make progress in the direction of world peace.

The most humane and, if it could have been carried out, the most important treaty, which the conference put out, was the treaty between the powers in relation to the use of submarines and noxious gases in warfare. While there were other treaties, particularly the one dealing with the naval ratio, which received much more attention and perhaps impressed more the public mind, yet that treaty disposed largely of what, in my judgment, would have soon become obsolete instruments of naval warfare. In all probability time and economic conditions, as well as the science of naval warfare, would have accomplished what this treaty with reference to the naval ratio accomplished—that is, the reduction of the number of battleships. In my opinion they were becoming obsolete, so far as modern naval warfare is concerned. But the treaty relating to the use of submarines and the noxious gases dealt with those instruments of modern warfare which are now being perfected and developed so as to become in all probability the dominating instruments in case a war should be visited upon us again.

The conference was unable to effectuate a real control of submarines or a definite control of noxious gases. For reasons which are now well understood by everyone, upon the objections of certain powers, it seemed impossible for the conference to limit the building of submarines or to circumscribe the jurisdiction of the different powers with reference to these instruments. But they did negotiate a treaty which, if there had been good faith behind it, might have been as desirable and have brought about equally as good results, as a definite obligation, to limit building. That treaty provides, among other things:

A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be attacked unless it refuse to submit to visit and search after warning, or to proceed as directed after seizure.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

Belligerent submarines are not under any circumstances exempt from the universal rules above stated, and if a submarine can not capture a

merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

When that treaty was put out there were some people, including myself, who had doubt as to the good faith which was behind it, a doubt which one does not like to entertain but which one is compelled to entertain by reason of the glaring facts which stare you in the face.

These powers, in other words, unwilling to limit the use of submarines undertook to prescribe and proscribe the manner in which they should be used, which if carried out in good faith would have been as effective as prohibiting the use of them, because if submarines must be used as provided in this treaty, they have been rendered largely ineffective in modern sea warfare. The very object of a submarine is and it does its best service in doing the things contrary to the rules provided for in this treaty.

So when we looked upon the situation and observed that the nations refused to go direct to the subject and deal with it directly and limit the building of the submarines, but were willing to put in a provision limiting the use of them, practically destroying them, it occurred to some of us that they never intended to carry out that treaty.

This treaty has not been ratified except by the Senate of the United States. We ratified it in great haste, because we were told that the whole world was impatiently waiting for the United States to take the first step toward world peace and that as soon as we should act the other nations of the world would be glad to follow. After we ratified the treaties they passed into the pigeonholes of the foreign nations and have never been heard from since. Neither France, Great Britain, nor Japan has seen fit to take up these treaties even for consideration.

This particular clause which I have just read has nothing to do with anything contained in this bill, of course, but there is a clause in this treaty which seems to me relevant for discussion, and that is article 5 of the same treaty:

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices having been justly condemned by the general opinion of the civilized world and the prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties. The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and to invite all other civilized nations to adhere thereto.

If this meant anything at all it meant that the signatories to this treaty were determined to take the first step toward the limiting of the use of noxious gases in warfare.

Since the adjournment of the disarmament conference the movement, not only in this country but in Japan, Great Britain, and France, has been such as to practically destroy the beneficial results of the disarmament conference. I entertained no doubt at the time that some movement would be made in that direction, but I had no idea that they would move so rapidly as they have in the last few months. If you will survey the budgets of the other powers with reference to these particular instruments of warfare, you will find that they are not only in some instances violating what in my judgment is the letter but they are in a multitude of instances violating the spirit of these treaties. It is true that they have not ratified them, and I would judge from the manner in which they are dealing in their budgets with the subjects covered by the treaties that they do not propose to ratify them.

I observed in the news items some 10 days since this statement:

Nations of the world, no less than seven of them, have sought information from the United States on the manufacture of poison gas since the armament conference here drafted a treaty to outlaw chemical warfare. Information to this effect was verified yesterday at the War Department.

Five nations meet in Washington in February and solemnly sign a treaty in which they put the ban of condemnation upon the use of this instrument, poison gas, and then, within six months, seven nations meet in the same capital for the purpose of exchanging views as to how they can most expedite the perfecting of the use of this instrument of modern warfare. In other words, the city of Washington becomes the distributing bureau or the distributing depot of the best information, which information is only desirable upon the theory that this treaty is to be disregarded.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. LENROOT. There are many nations which were not parties to this treaty, and if those nations continue the use of

poison gas, and there is no prohibition against their doing so, does the Senator think that any nation can afford not to have the latest information possible concerning it for its own safety?

Mr. BORAH. Mr. President, that shows how utterly and absolutely useless is the treaty which we have ratified. If the United States, one of the signers of the treaty, is to become the central distributing bureau or depot for the information which was condemned by the treaty, we are not only waiting for the other nations to initiate a violation, but we are conniving at it ourselves and encouraging it. Why should we have an international conference on poison gas and thereby encourage and stimulate other peoples to devote their money and their genius to perfecting this hellish means of death? In my opinion we are acting in flagrant violation of the spirit of the treaty and the whole disarmament conference.

Mr. LENROOT. On the contrary, we are waiting until the other nations adhere, until all the nations of the world adhere.

Mr. BORAH. I beg the Senator's pardon.

Mr. WADSWORTH. Does the Senator say the United States Government is the central distributing point of information on chemical-warfare gases?

Mr. BORAH. That is my understanding.

Mr. WADSWORTH. Who represented the Government and with what authority did he so represent the Government and upon what occasion?

Mr. BORAH. I will read this article again.

Mr. WADSWORTH. I would like very much to hear it.

Mr. BORAH. It reads as follows:

Nations of the world, no less than seven of them, have sought information from the United States on the manufacture of poison gas since the armament conference here drafted a treaty to outlaw chemical warfare. Information to this effect was verified yesterday at the War Department.

Mr. WADSWORTH. Is that all?

Mr. BORAH. No; that is not all, but that is subject to my comment.

Mr. WADSWORTH. Did they get the information?

Mr. BORAH. I understand so.

Mr. WADSWORTH. How does the Senator understand so?

Mr. BORAH. I understand it from the newspapers. I have much more here.

Mr. WADSWORTH. That is not entirely reliable.

Mr. BORAH. Not entirely reliable? I venture to say that they did get the information. I venture to say that if the Senator will call up the Secretary of War he will find that they did get it. It was published in the newspapers, as stated, upon the approval by the War Department, that they had no information to conceal from the representatives of the English Government upon this subject. It came as a quotation and statement from the War Department. They were assembled here for that purpose; met with representatives of the War Department, as the paper said, and I assume that is correct. It was a most important news item. It was published throughout the country. The statement as published stated specifically that its verity was confirmed by the War Department. No reputable paper would say that it was confirmed by the War Department unless it had been confirmed. I believe the report to be true.

Mr. WADSWORTH. The assumption of the Senator goes to very great length. He would apparently include the formula for any gas if made under the auspices of the United States Government, and I doubt very much—in fact, I do not believe—that these formulae were given away.

Mr. BORAH. The Senator from New York does not believe it, but the Senator from Idaho does believe it. I may be mistaken.

Mr. WADSWORTH. I am certain the Senator is mistaken. Before assertions of this sort are made—this is a serious matter—

Mr. BORAH. I think it is a very serious matter.

Mr. WADSWORTH. It seems to me some inquiry might be made of the War Department before an assertion of that sort is made public, for the Senator recollects perfectly well that there was at least one chemical-warfare gas developed during the latter period of the war by American chemists under auspices of the United States Government the formula for which was secret. Not a nation on earth knew what it was, nor any American citizen knew what it was, except within a very restricted number. The assertion of the Senator from Idaho is that this formula has been given away.

Mr. BORAH. No; I do not say they gave all the information away. I do not know anything about it.

Mr. WADSWORTH. I asked the Senator what information was given away and when and by whom. The Senator said these foreigners came here from seven nations and got the information, and that it was given to them by the War Department.



Mr. BORAH. I stated it upon the publication which is found in a daily paper published here in the city and which no one representing the Government has seen fit to deny. It was not only published under the eye of the department but it has been published all over the country and editorial comment made at great length. I supposed, in view of the fact that the publication stated the news item had been confirmed at the War Department, that it was true, otherwise there would have been a denial.

Mr. WADSWORTH. If we denied all things that appear in the daily papers, we would not be doing anything else but denying.

Mr. BORAH. Whom does the Senator mean when he says "we"?

Mr. WADSWORTH. Anybody, the Senator or myself or the War Department.

Mr. BORAH. Here is a matter which the Senator well says is a very serious matter.

Mr. WADSWORTH. It is.

Mr. BORAH. It has been published, and apparently published upon the statement of the War Department. If it was a serious matter and false, it was the duty of the War Department to brand it as false. It was no ordinary statement. In fact the circumstances are quite conclusive that it is true. It is in harmony with many other things calculated, if not designed, to destroy the good results of the disarmament conference.

Mr. WADSWORTH. My criticism, if I may call it such, is that the Senator's assumption goes much further than it should go based upon the announcement of the War Department. The Senator stated earlier in his remarks that the United States Government has become the central distributing agency of the knowledge and use of chemical warfare gases. That includes everything the United States Government knows.

Mr. BORAH. I have these circumstances about which there is no doubt, that the representatives of seven nations came here. It is not to be presumed that they came without the knowledge of the War Department that they were coming. They met with the War Department. It is not to be presumed that the War Department permitted them to come to practice a fraud upon them, and yet concealed from them the purpose of their coming, to wit, to interchange views with reference to the use of poisonous gases. They were here from a distance, upon a serious errand, at expense to their Governments, representing their Governments, and meeting with our Government representatives. I assume they dealt with one another in sincerity when they met together.

Mr. WADSWORTH. I assume that, too; but that would not imply that everything they knew was told.

Mr. BORAH. If it comes down to the proposition of the War Department concealing something from them, that is a different proposition. They might have had some secrets which they did not let them have. There is no such indication here, however.

I will read a little further:

Chemical-warfare experts of the British Army, who have recently concluded a course of study at the American Army chemical-warfare headquarters at Edgewood Arsenal, Md., it is learned, make no secret of the fact that the British Government intends to continue full speed ahead its research work in connection with the use of gas in warfare, notwithstanding the treaty which already has been ratified by the United States Senate.

In view of the treaty, and if the spirit of the treaty is to be regarded, why should the experts of these nations either be invited or permitted to come here and pass within the jurisdiction of our Government works for the purpose of obtaining information? Why should we take an active part in spreading information as to how we can most brutally and effectively kill our fellow men?

France, experts here declare, is pursuing her experiments with gas and is especially developing the technique of the use of gas in connection with airplanes in anticipation of attack from Germany.

The latest development which causes surprise here is the marked tendency on the part of smaller nations of Europe to interest themselves in chemical fumes. Friends of chemical warfare assert that all such shells should be barred if the new explosive is to be prohibited.

#### INTERPRETATION OF TREATY.

Consideration of this problem has brought attention to the fact that since the treaty prohibits the use of all gases in warfare the employment of such harmless vapors as hydrogen and helium in balloons and dirigibles also come under the ban if the treaty were strictly interpreted.

Mr. WADSWORTH. The Senator will recollect that I called attention to that in a speech before the Senate.

Mr. BORAH. That I remember. I also called attention to the fact that I did not believe they would ever carry out the treaty.

Mr. WADSWORTH. Perhaps we can exchange recollections in the matter.

Mr. BORAH. Now, I will read further. This is from the New York Times of May 25:

Although a treaty was signed at the Washington Conference on Limitation of Armament by which the United States, Great Britain, France, Italy, and Japan bound themselves to adhere to agreements for the prohibition of the use of noxious gases in warfare, it is apparent from information received at the War Department that several Governments are continuing experiments in the preparation of poisonous chemicals for war purposes.

Brig. Gen. Amos O. Fries, Chief of the Gas Service of the Army, said to-day:

"All our information indicates that other nations are working feverishly to make the most of chemical warfare."

Interpretation of the poison-gas treaty negotiated in Washington has been brought to the front by the completion of experiments here on a new high-explosive shell. Experts say that the new explosive, with all the strength of T. N. T., generates 40 per cent of phosgene gas, a deadly chemical developed during the World War. The Washington treaty does not prohibit the use of high-explosive shells but the question has arisen as to whether the new explosive should be barred from use in warfare because it generated a considerable amount of poison gas.

It is contended by some that as all high-explosive shells generate a certain amount of deadly gases, all such shells should be barred if there is to be a prohibition placed on the use of the new explosive. It is maintained also that as the treaty covers all gases in warfare in a prohibitive way the use of harmless vapors like hydrogen and helium in aircraft would come under the ban if the treaty is to be strictly interpreted.

The United States is the only Government signatory to the poison-gas treaty which has ratified it. At the War Department to-day it was said that seven nations had sought information from this Government concerning the manufacture of poison gases since the Conference on Limitation of Armament. One of these is Great Britain. All the others are Governments not parties to the gas treaty. Chemical experts of the British Army have recently completed a course of study at the United States Army gas center at Edgewood Arsenal, Md. They are credited with having made no secret of the intention of the British Government to continue its research work in the use of gas in warfare.

I take it from the reading of these articles that at least these facts will not in all probability be successfully disputed: First, that we signed the treaty and we have ratified it. Secondly, that since the signing of the treaty two of the powers—Great Britain and the United States—have met here and have been conversing and exchanging views with reference to perfecting the use of these noxious gases. Thirdly, that, as stated at the time by an officer of the Army or representative of the War Department, no information which the United States has would be retained or concealed or kept back from the British Government. In other words, while calling upon the world in the treaty to stop the use of poison gas, we set about to perfect it, to make it more cruel and destructive, and then invite in the representatives of other nations to confer and give them the benefit of our work. It is all in violation of the spirit if not the letter of the treaty. It makes a mockery of the disarmament conference.

I am not now accentuating the proposition as to whether the United States gave up all its information. That is not my object in discussing the matter. What I say is that the United States, by permitting this conference here, encourages what must inevitably result in the complete breakdown of the gas treaty. I go further and say that the very fact that seven nations come here, confer together, interchange views—whether candidly and fully or not is another question—in reference to the use of those gases, the perfecting of them, and so forth, is in violation of the spirit of the treaty. It might be justified under the treaty, or notwithstanding the treaty, for the United States to pursue its own individual studies and individual consideration of the matter—that is a matter about which we might differ—but I look with disfavor upon the proposition that they should come here and in a conference deal with the subject which the treaty was supposed to prohibit. This whole disarmament conference and all the treaties are the sheerest hypocrisy unless the work of that conference is to be carried out in good faith. It is not treaties which count, it is the honor and the good faith of the nations. And I denounce as a betrayal of the whole fight for disarmament this encouragement of the things which are in contravention to its whole spirit and purpose.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment.

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. ASHURST. Let the amendment be stated.

The READING CLERK. On page 83, Chemical Warfare Service, strike out "\$500,000" and insert in lieu thereof "\$750,000."

Mr. WADSWORTH. May I simply state that the amount is merely for research work and will not permit the Chemical Warfare Service to manufacture anything in quantity? Most of its research, in fact, practically all of it, will be on the defensive side.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Transferring my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Maryland [Mr. WELER], I vote "yea."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I wish to announce for the day the unavoidable absence of my colleague [Mr. OVERMAN].

Mr. WARREN (when his name was called). I transfer my standing pair with the Senator from North Carolina [Mr. OVERMAN] to the Senator from Pennsylvania [Mr. Crow], and vote "yea."

Mr. WATSON of Indiana (when his name was called). Transferring my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from South Dakota [Mr. NORBECK], I vote "yea."

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that Senator has not voted.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The senior Senator from Florida has not voted.

Mr. BALL. I transfer my pair with the Senator from Florida to the Senator from New Hampshire [Mr. KEYES], and vote "yea."

Mr. FRELINGHUYSEN. Transferring my general pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Delaware [Mr. DU PONT], I vote "yea."

Mr. BROUSSARD. I have a general pair with the Senator from New Hampshire [Mr. MOSES]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. HARRISON. I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY], and vote "nay."

Mr. KENDRICK. Transferring my general pair with the Senator from Illinois [Mr. McCORMICK] to the Senator from Nevada [Mr. PITTMAN], I vote "nay."

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED], and vote "nay." I ask that this announcement of the transfer of my pair may stand for the day.

Mr. JONES of Washington (after having voted in the affirmative). Has the junior Senator from Virginia [Mr. SWANSON] voted?

The PRESIDING OFFICER. He has not.

Mr. JONES of Washington. The Senator from Virginia is necessarily absent. I promised a pair with him during the day. Not being able to secure a transfer of my pair I withdraw my vote.

Mr. CURTIS. I am requested to announce that the Senator from Rhode Island [Mr. COLT] is paired with the junior Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 46, nays 22, as follows:

#### YEAS—46.

Ashurst	Gooding	Myers	Sheppard
Ball	Hale	Nelson	Shortridge
Brandegge	Harrell	New	Smoot
Bursum	Harris	Newberry	Spencer
Calder	Kellogg	Nicholson	Sterling
Cameron	Ladd	Oddie	Sutherland
Culberson	Lenroot	Page	Townsend
Curtis	Lodge	Pepper	Wadsworth
Dillingham	McCumber	Phipps	Warren
Ernst	McKinley	Poindester	Watson, Ind.
France	McLean	Ransdell	
Frelinghuysen	McNary	Rawson	

#### NAYS—22.

Borah	Harrison	La Follette	Underwood
Capper	Heflin	Norris	Walsh, Mass.
Caraway	Hitchcock	Pomerene	Watson, Ga.
Cummins	Jones, N. Mex.	Robinson	Willis
Dial	Kendrick	Simmons	
Glass	King	Smith	

#### NOT VOTING—28.

Broussard	Fletcher	Moses	Stanfield
Colt	Gerry	Norbeck	Stanley
Crow	Johnson	Overman	Swanson
du Pont	Jones, Wash.	Owen	Trammell
Edge	Keyes	Pittman	Walsh, Mont.
Elkins	McCormick	Reed	Weller
Fernald	McKellar	Shields	Williams

So the committee amendment was agreed to.

Mr. WADSWORTH. Mr. President, I now suggest, if the Senator from Nebraska [Mr. HITCHCOCK] is willing that we should do so, that we return to the amendment on the bottom of page 76 of the bill, where the committee propose to strike out "\$400,000" and to insert "\$375,000."

I may say for the information of the Senate that this item is applicable alone to the Springfield Arsenal.

The PRESIDING OFFICER. The amendment of the committee referred to by the Senator from New York will be stated.

The READING CLERK. On page 76, under the subhead "Manufacture of arms," in line 24, after the word "armories," the Committee on Appropriations propose to strike out "\$400,000" and to insert "\$375,000," so as to make the clause read:

For manufacturing, repairing, procuring, and issuing arms at the national armories, \$375,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. HITCHCOCK. Mr. President, I should like to inquire whether it would be competent for me to move as a substitute for the committee amendment to strike out the entire paragraph?

Mr. WADSWORTH. May I ask the Senator, first, if he will be good enough to tell me if his purpose is to wipe the Springfield Arsenal off the Government books?

Mr. HITCHCOCK. What I really purpose is simply to put a stop to the manufacture of rifles. I understand, however, that there is some other work there.

Mr. WADSWORTH. If the entire paragraph should be stricken out, of course, there would be no work; and, so far as the Government's accounts would be concerned, there would be no Springfield Arsenal.

Mr. HITCHCOCK. I had some doubt about it. I have been looking at the testimony, and I am inclined to think that there probably should remain an appropriation of \$75,000.

Mr. WADSWORTH. It is not necessary to strike out the entire paragraph to attain the Senator's object.

Mr. HITCHCOCK. Then I move to substitute \$75,000 for the committee amendment proposing to insert \$375,000.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska to the committee amendment will be stated.

The READING CLERK. In lieu of \$375,000, the amount proposed to be inserted by the committee, on page 76, line 24, it is proposed to insert \$75,000.

Mr. HITCHCOCK. Mr. President, this proposed legislation involves a really important principle. The testimony of General Peirce before the committee showed conclusively that at the Springfield Arsenal we are manufacturing, at an expense of \$900 a day, rifles for which we have no use. The testimony of General Peirce further showed that we have on hand at the present time 2,800,000 rifles and that we are manufacturing 30 rifles a day at that institution at an expense of \$900. When asked why we were manufacturing these rifles, the general said it was done simply to keep the working force together, so as to have skilled men in that line. As I have stated, this matter now involves a question of high principle: Shall the money of the people be expended in an Army appropriation bill for supplies that are not needed in a military sense to keep a few skilled men employed, on the theory that they might some time be needed?

I do not think there can be any dispute as to the facts. I can take the time to read the testimony of General Peirce; but his testimony was, in effect, that it was necessary to have this appropriation in order to keep those men employed. The supply of 2,800,000 rifles which we now have on hand and stored, except for the few that are in the hands of the soldiers, is certainly large enough in any possible contingency that can be conceived of. We did not have use for as many rifles as that during the war, when we had 4,000,000 men under arms, and it is not conceivable that we will ever have use in our day for the number of rifles that we now have on hand; and it is for the Congress to decide whether we are going to spend \$900 a day of the people's money simply for the purpose of keeping a few hundred men employed in manufacturing something that is not needed.

I therefore move to reduce the appropriation to \$75,000, which will cover all of the necessary expenditures to keep the armory for storage purposes and for certain small manufacture that seems to be required there; and on that I should like to have the yeas and nays.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. I have no objection to the yeas and nays being ordered, as long as I may have an opportunity to state the position of the committee.

The PRESIDING OFFICER. The request is made for a yeas-and-nays vote.

The yeas and nays were ordered.



Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. NORRIS. I did not want to interrupt. I thought we were going to have a vote, and I wanted to ask the Senator from New York to give his version of this matter.

Mr. WADSWORTH. That is what I was about to do.

Mr. President, as the Senator from Nebraska states, this matter is one which might perhaps be called one of policy. The Springfield Arsenal is the only arsenal which the Government owns. It has been the home of rifle making for generations. It is the only place in the entire United States where the art of making a military rifle is being preserved. At no other point in this country is a military rifle made.

It is perfectly true that we have 2,800,000 serviceable rifles in the hands of troops or in storage in the United States to-day. It is perfectly true that from the immediate military standpoint, or from the standpoint of the immediate future, we do not need any additional rifles. The question is, Do we need to preserve the art of making a rifle in this country? That is all that there is before the Senate.

Prior to the war the Springfield Arsenal was running at very low capacity. When we went into the war we were astounded to find out that the Springfield Arsenal had been turning out only 75 rifles a day for a year or two or three years before we went to war with Germany. We paid the penalty for that folly by having to go to private manufacturers and accept a British-designed rifle, readjust it to American ammunition, and spend millions and millions and millions before we could get rifles for our soldiers. The Springfield Arsenal had been neglected. With war staring us in the face for two years at least we dawdled along at 75 rifles per day, just a little group of men under the employ of the United States Government who knew something about making a rifle with which our men could defend themselves and their country.

The Senate committee proposes that \$375,000 be appropriated to keep this arsenal going. It will permit the arsenal to manufacture 30 rifles per day; that is all. The men employed upon those rifles will be the only men in the United States preserving the art of rifle making. I think I am accurate in saying that those men are the descendants of rifle makers; that they and their families have lived in and about Springfield for generations. They are a little group of skilled artisans that can not be duplicated anywhere in this country. It is proposed under this appropriation to employ approximately 300 men in this great arsenal that employed thousands upon thousands when we had to have rifles immediately. A portion of the 300 will be used in making 30 rifles per day. The rest will be used in carrying on certain experimental construction in connection with semiautomatic rifles—an undertaking quite different from that of the manufacture of the Springfield service rifle.

The rifles are going to cost us \$300,000, less than one-tenth of 1 per cent of the money carried in this bill. For one-tenth of 1 per cent of all the appropriations that it is suggested shall be made for the War Department in its military and nonmilitary activities and all the related activities, for that tiny percentage we hope to keep alive in this country and keep gathered together at one spot, at least, in this country the knowledge of how to make a military rifle.

The testimony before the committee was to the effect that a production of less than 30 rifles per day would be so grossly uneconomical as practically to forbid its being attempted. If the amendment of the Senator from Nebraska is adopted, we close practically the entire plant. The \$75,000 will be largely eaten up by administrative expenses, the salaries of watchmen, and the cost of heating, lighting, and guarding the property; and we might just as well mark this great, old, historic armory off the books of the Government and abandon any attempt to maintain the art of rifle making in this country.

Mr. HITCHCOCK. Mr. President, I have not any objection to closing the Springfield Armory. I doubt whether it is a sufficiently valuable purpose, but it was at the suggestion of the Senator from New York that I merely moved to reduce the proposed appropriation \$300,000, so as to leave the arsenal in operation for the minor purposes stated by General Peirce in his testimony.

If we are to continue the manufacture of rifles for the purpose of educating men in the manufacture of rifles, I do not see any reason why we should not continue the manufacture of heavy artillery, or why we should not continue the manufacture even of chemicals for chemical warfare, although we are trying to agree with the nations not to use it, or why we should not go on with the building of battleships just simply for the purpose of keeping men employed in building battleships and training them in the work. There is no more real

reason why artisans should be kept manufacturing rifles that are not used and can not be used within our day than there is for keeping men employed in manufacturing armor that we do not intend to use, for the ostensible reason of keeping people educated in that art.

The United States is not the only place where rifles are manufactured. They are manufactured in all of the great nations of Europe; and these men are not the only men in the world who know anything about manufacturing rifles. It will not become a lost art simply because we stop the manufacture of the rifles. It is true that these men have been devoting themselves to that particular thing, and it is true that they are high-priced men and receive very large pay; but it is a policy that is involved. Are we justified, in an appropriation bill to supply the Army of the United States, in bringing in here and there large expenditures, amounting in this case to nearly a thousand dollars a day, year in and year out, simply for the purpose of keeping people educated in the art of warfare?

I do not care to enter upon a further discussion, but I ask to have inserted in my remarks the testimony of General Peirce on this subject before the Senate Military Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

MANUFACTURE OF SMALL ARMS AND SMALL-ARMS AMMUNITION AT FRANKFORD AND SPRINGFIELD.

General PEIRCE. There is one other consideration that I wished to explain that has entered into some of these estimates, and that is the desire to keep at the arsenals a skeleton force to preserve the art of manufacture. In those cases where this development program did not of itself afford the necessary work, and there are two instances of that: One is at Frankford Arsenal, where the small-arms ammunition is made; and the other is at the Springfield Armory, where the small arms are made.

Now, of the standard caliber .30 ammunition used in the standard service rifle, we have enough on hand for our reserve purposes and for our actual needs for the coming year; but unless we have some money to manufacture some small-arms ammunition at Frankford and some rifles at Springfield it will be necessary to close those departments down entirely and lose all the men that have any knowledge of that sort of work; so that part of this estimate is to provide a little work at those two places. The estimates provide for a little work at these places in order to keep a very small number of men there.

Senator HARRIS. You say "a little work." How does that compare with the amount before the war or last year? I remember, in the discussion before, that as a matter of fact, we simply made the appropriation for the arsenal in Pennsylvania for Senator Knox after his speech. You remember that. The showing made was that we had all the ammunition necessary. I am in sympathy with what you are trying to do now, to keep a skeleton organization, but to manufacture more ammunition when there is a large quantity on hand would not seem to me just and wise. If I am in error about that, I would like to hear you.

General PEIRCE. We have not sufficient ammunition on hand of all the different kinds of small-arms ammunition. We have enough of the ball ammunition, but there are various kinds of armor-piercing ammunition for use against tanks, and incendiary ammunition for use in the Air Service; and above all, this caliber .50 machine gun, that is used in the new caliber .50 machine guns. In those cases we have not any satisfactory quantity on hand. So that we are really accomplishing two purposes with this money; we are keeping a certain small number of men employed and keeping alive a force, and at the same time we are getting ammunition that is needed.

Senator HITCHCOCK. How many men are employed?

General PEIRCE. About 700 at Frankford now. There will be less than 500 after the 1st of July on this estimate.

Senator WADSWORTH. I wanted to ask you to set me straight, at least, and perhaps it will help the other members of the committee also about these different items. Take the bill there, please. Under ordnance stores, ammunition, there is \$508,500 appropriated.

General PEIRCE. Yes.

Senator WADSWORTH. That item begins on line 21, page 65: "For the development, manufacture, purchase, and maintenance of airplane bombs, of ammunition for small arms, and for hand use for reserve supply." How is that work distinguished from that under the next item, which is "For manufacture and purchase of ammunition, targets, and other accessories for small arms, hand and machine gun target practice and instruction; and ammunition, targets, target materials, and other accessories which may be issued for small-arms target practice," etc.? That also says for manufacture and purchase of ammunition.

General PEIRCE. The items under the latter appropriation are all for specific purposes of target practice, and the ammunition used in the national matches is special ammunition that is different from the service ammunition.

Senator WADSWORTH. Then you want \$100,000 for target-practice ammunition?

General PEIRCE. And for everything else. I have the details here. Senator WADSWORTH. Then the ammunition made under ordnance stores is made at Frankford?

General PEIRCE. Yes.

Senator WADSWORTH. Except, perhaps, the bombs?

General PEIRCE. The bombs, of course, are some of them made at Frankford and some at Rock Island.

Senator WADSWORTH. Then that appropriation can be said generally to be for the support of the Frankford Arsenal; or is some of it for Rock Island?

General PEIRCE. Yes.

Senator WADSWORTH. And the next one; where is that mostly spent?

General PEIRCE. The target material is either manufactured or procured by Rock Island. The ammunition that is purchased, of course, comes from private manufacturers. If manufactured, it would be at the Frankford Arsenal.

Senator WADSWORTH. Is there no service ammunition manufactured under the second item?

General PEIRCE. Under the small-arms target practice?

Senator WADSWORTH. Yes.

General PEIRCE. There is a .30-caliber gallery-practice ammunition for training of the Army and there is manufacture of .30-caliber gallery-practice ammunition for civilian training camps, and there is manufacture of special ammunition for the national matches.

Senator WADSWORTH. Special types of small-arms ammunition. It is not ordinary service type ammunition?

General PEIRCE. No, sir; there is some blank .45-caliber pistol ammunition for training purposes.

Senator WADSWORTH. Blank ammunition?

General PEIRCE. Yes.

Senator WADSWORTH. In the "manufacture of arms," the next item, that is at Springfield Arsenal, is it?

General PEIRCE. That is at Springfield; yes, sir.

Senator JONES of Washington. Generally, as to this preceding item, if we should not increase the amount of the House you would then do, then, of course, those things that you considered the most important?

General PEIRCE. Yes.

Senator JONES of Washington. Do you think that the Army would suffer any real serious injury by losing that \$400,000?

General PEIRCE. I did not get those figures, Senator.

Senator JONES of Washington. There is \$400,000 here for small-arms target practice. If we should leave that \$400,000 out, do you think there would be any serious results?

General PEIRCE. I feel that at least \$400,000 will be necessary under this item.

Senator WADSWORTH. I asked you a while ago how it was that this year's appropriation was \$250,000 and next year's \$400,000—why the increase? It seems that there was an unexpended balance from 1921 and available for 1922, and therefore the additional appropriation for 1922; was not that it? Have you used up that unexpended balance? I think in the House committee it was stated that there was about \$35,000 carried over.

General PEIRCE. \$35,000 carried over.

Senator WADSWORTH. Then there is a possible \$435,000 available?

General PEIRCE. Yes.

#### MANUFACTURE OF ARMS.

Senator WADSWORTH. Now, what is the next item?

General PEIRCE. The next item is "Manufacture of arms."

Senator WADSWORTH. Yes; that is at the Springfield Armory. The estimate was \$453,000. What had you expected to do with that?

General PEIRCE. There are a number of small items for continuation of development work in connection with the semiautomatic rifle, in connection with the receiver sight of the caliber .30 shoulder rifle, and a number of other items, one of them \$4,000, and another \$2,000, another \$6,000, and so on; but the main item is for the manufacture of United States service rifles, \$300,000. That is sufficient, it is estimated, to produce about 30 rifles a day, which is a very much smaller number than has ever been produced at Springfield, and the minimum that we figure we can operate the plant for and keep the smallest force there that has been maintained at Springfield within my recollection.

Senator SPENCER. That is, to produce 30 rifles a day you would need \$450,000?

General PEIRCE. No, sir; \$300,000.

Senator SPENCER. Which, with the other items, would make \$450,000?

General PEIRCE. Yes, sir.

Senator HARRIS. The rifles manufactured are different from the ones used during the war?

General PEIRCE. No, sir; we used two rifles during the war, one the Springfield rifle of the model of 1903 and the other the model of 1917.

Senator HARRIS. I am referring to the Springfield now.

General PEIRCE. That is this one.

Senator HARRIS. Do you need those rifles? Have you not enough left over from the war to last?

General PEIRCE. Yes; we have a very large stock. This is simply asked for for the purpose of a continuation of the operation of the Springfield Armory; otherwise we will have to close it down.

Senator HARRIS. How many men are employed there now?

General PEIRCE. Less than 400, and it probably will go down to 300 or under.

Senator HARRIS. If we reduce that to \$150,000 now, could you not hold a skeleton organization that you could build up in case of necessity?

General PEIRCE. Not all of the employees there, of course, would be engaged in the manufacture of the rifles. The armory has one other function, an issuing function, as well as a manufacturing function. But we do not figure that we could operate the manufacturing plant at a less rate than 30 rifles a day without going to a prohibitive cost; as it is, the manufacture has been concentrated in a few buildings, and a considerable part of the plant would be absolutely closed up anyway.

Senator WADSWORTH. You have a small rifle manufactory at Rock Island?

General PEIRCE. Yes.

Senator WADSWORTH. That is closed down now?

General PEIRCE. Absolutely closed down, except that they are at present doing a little repairing there. But there is no manufacturing going on.

#### NUMBER OF RIFLES ON HAND.

Senator HITCHCOCK. How many rifles have we on hand?

General PEIRCE. About 2,000,000 of the model of 1917 rifle, which was the modified Enfield rifle we procured during this war, and about 800,000, I should say, of the Springfield rifle.

Senator HITCHCOCK. Did you develop any difference between them as to efficiency?

Senator WADSWORTH. The Springfield rifle was always regarded as being a little better. We could not make that rifle fast enough.

General PEIRCE. There were three large factories equipped to produce the Enfield, and only Springfield and Rock Island equipped to produce the Springfield model of 1903.

Senator SPENCER. Is the ammunition interchangeable?

General PEIRCE. Yes, sir.

Senator WADSWORTH. This all comes down to the matter of policy. Of course, we do not need the 30 rifles a day that you would make?

General PEIRCE. No.

Senator WADSWORTH. It is only keeping a little organization going so that it will not perish.

Senator HARRIS. That is what I was trying to develop, Mr. Chairman. It seems to me that 150 men would be a pretty good organization. They ought to be able to build up from that. You use how many now?

General PEIRCE. There are about 400 there now.

Senator HITCHCOCK. How many of those are really manufacturing rifles?

General PEIRCE. I should say that probably 100 of those employees are engaged in other—nonmanufacturing—work.

Senator WADSWORTH. You expect to run about 200 men in the actual production?

General PEIRCE. Yes.

Senator WADSWORTH. That includes the semiautomatic rifle work?

General PEIRCE. Yes; everything in the manufacturing way.

Senator WADSWORTH. That is experimental work?

General PEIRCE. Yes. It is tool-room work, pure and simple. They are making models.

Senator WADSWORTH. Of course, that is important, that experimenting in plans?

General PEIRCE. Yes. I was at Springfield just before the war when it was at the lowest point that it had ever been, and we were turning out then 75 rifles a day. We found it difficult to see how we could go to a less number and still run the plant without the cost being prohibitive. We are figuring it down now by concentrating the machines and machine tools, and closing down a large part of the plant, thereby shutting off the heat and power and light so that we can get down to 30 a day, and still operate.

Senator HITCHCOCK. That makes a pretty expensive rifle.

General PEIRCE. Yes; it makes the rifle cost about \$30.

Senator HITCHCOCK. What are other countries doing in the manufacture of rifles—Great Britain, France, and Italy?

General PEIRCE. That I have not any definite information on.

Senator HITCHCOCK. Have they not quit?

General PEIRCE. I do not think they have, sir; not any more than we have. I think they are down to as small a basis as they can run on.

Senator HITCHCOCK. Is there anything about the manufacture of this rifle that is such a specialty that men, expert machinists, could not take it up?

General PEIRCE. Yes; there is. There are things about an instrument of that sort that is almost impossible to put on paper, that the workman learns, and really carries under his hat, and we find that wherever a plant of that kind has been closed and the force has been entirely dissipated, it takes a surprisingly long time to collect a new force and get it into satisfactory production.

Senator HITCHCOCK. During the war we did succeed in making several million rifles on rather short notice, did we not?

General PEIRCE. We did, sir; but the only reason they were able to do that was that they had three very large factories, of great capacity and employing many thousands of men, who had been producing this Enfield rifle for more than a year prior to our entrance into the war. Those three factories could be thrown at once onto the production of the modified Enfield, and the modifications were so slight in character that they did not affect the production materially.

Senator HITCHCOCK. Suppose we should actually become engaged in war during the next 10 years, some time; we would have something to start with, something like 3,000,000 rifles. Would we not be able, with that great number to start with, to organize and start in the manufacture, even if we dropped it now, with ordinary good mechanics and experts, in a short time?

General PEIRCE. Of course, to begin with, we would not have the 3,000,000 rifles by that time. There is a certain wastage every year of the stock on hand. I can say that it took a year and a half—about a year and a half—for those factories that I spoke of to get really into production after they started, with all the pressure that there was upon them in the war, before we got into it. It also took us, at Springfield, almost a year to get into full production there, with the war pressure on us. So that these things are not easy. You can not make as much haste as it would seem possible to make. In those times everything makes for delay and nothing makes for acceleration.

Senator HITCHCOCK. You estimate you will make 30 rifles a day there at a cost of \$30 apiece?

General PEIRCE. \$30.

Senator HITCHCOCK. Is that correct?

General PEIRCE. That is 10,000 rifles.

Senator HITCHCOCK. So that it takes \$900 a day really to manufacture rifles that you do not need, virtually for the purpose of keeping men trained for the purpose of manufacture?

General PEIRCE. Keeping the plant alive; yes, sir.

Senator HARRIS. Could you not arrange to have those men manufacture something else and hold your organization together, and let them be at work on something we need instead of on something we do not need? Is there not anything else that you could manufacture?

General PEIRCE. There is nothing else in the ordnance line that that plant would be equipped for making for which we have any more money, at least, than we have for rifles. That is a plant that is specially designed, laid out, and equipped for the manufacture of rifles. Not only the type of machines but the number required for the different operations are all calculated, and the location and sequence of the machines as placed is determined on that basis, so that it does not lend itself to other purposes.

Senator HITCHCOCK. Are you operating more than one plant?

General PEIRCE. No, sir.

Senator HITCHCOCK. Just that at Springfield?

General PEIRCE. Just at Springfield. The Rock Island plant is closed down.

Senator HITCHCOCK. What was the pre-war manufacture at Springfield?

General PEIRCE. As I said, the lowest that they had ever gotten, to my knowledge, was 75 rifles a day. That was just before the war.

Senator HITCHCOCK. At what cost was that?

General PEIRCE. That was around \$17, Senator, at that time.

Senator WADSWORTH. Wages have gone up in the meantime. Wages have practically doubled?

Senator HITCHCOCK. You said there were 700 men manufacturing ammunition. Does that mean all kinds of ammunition for all purposes?

General PEIRCE. That was the entire activity at Frankford. For instance, there are various kinds of small-arms ammunition, and there are also made there optical instruments and fuses for field artillery. That number was the entire number.

Senator HITCHCOCK. That is, those 700 men were not working on ammunition entirely?



General PEIRCE. No, sir.  
 Senator HITCHCOCK. What number were working on ammunition?  
 General PEIRCE. I have not an estimate of that. Major Harris says there were about 300.

Senator HITCHCOCK. Does that mean—have we any other men employed in the manufacture of ammunition than the 300?

Major HARRIS. No, sir; Frankford is the only place we make the small-arms ammunition.

Senator HITCHCOCK. Then, what you had there were employed on ammunition for artillery and other purposes?

General PEIRCE. The only thing done in that line is the manufacture of some fuses, which is at Frankford, and some development work at Picatinny Arsenal in the manufacture of experimental shells and fuses. There is no artillery ammunition and there is no artillery shell being made for service.

Mr. WALSH of Montana. Mr. President, before the Senate votes upon this matter, I should like to make an inquiry for information. I had an idea that the private manufacturers of rifles in the United States—Colt, Remington, Savage, and so forth—had brought the art to a very high state of perfection. Is there so very much difference between the manufacture of an Army rifle—I mean, as a matter of the art—and the manufacture of rifles for hunting purposes, in which, perhaps, we may not lead the world, but we are certainly in the front rank of manufacturing arms of that character?

Mr. WADSWORTH. Is the question directed to me?

Mr. WALSH of Montana. I shall be very glad to have the information from any source. I had an idea that in case of necessity we might be able to get skilled labor from those who have been employed in manufacturing arms in private establishments.

Mr. HITCHCOCK. That is my judgment, Mr. President. I do not think it will take many months to take any skilled artisan engaged in rifle manufacture or arms manufacture in any private establishment and drill him into this manufacture. In fact, we did that very thing during the war.

Mr. WADSWORTH. No; Mr. President; we did not do that very thing during the war. We did almost the opposite. We found that we could not make in the United States military rifles of our own pattern, and what we had to resort to was this: We found that two companies in the United States, prior to our entrance into the war, had after two years of struggle in their shops, learned how to make the British military rifle, and we had to adopt that. We could not make our own rifle, after we went into the war, outside of the Springfield armory. There must be some difference between the manufacture of a military rifle and that of a sporting rifle, because none of the plants that make the sporting rifle could be converted into the making of the military rifle. In fact, we went to the other extreme, and asked the plants that were making a military rifle for Great Britain to stop making them for Great Britain here in the United States and make them for us. They had taken two years to build up their organizations fit to make a military rifle. We seized their organizations, as it were, and made them turn out rifles for us.

That accounts for 2,000,000 of the 2,800,000 rifles we now have on hand. Two millions of the rifles to which the Senator from Nebraska refers are British-model rifles, not Springfield rifles. They have been rechambered and recalibered to fit our ammunition, but they are a British model. They can not be made again in this country, and they can not be made anywhere else, because there is not a factory in the world that is now tooled to make those rifles. Of course, they are going to last us a long time; there is no doubt about that; but when the time comes when we shall need rifles, somewhere, some day—and I fear we shall, somewhere, some day—I hope that we shall have at least a little nucleus of men that know how to make the Springfield rifle, the best rifle in the world.

Mr. HITCHCOCK. Mr. President, it is true that of these 2,800,000 rifles we have on hand, 2,000,000 are the adapted Enfield rifle. They shoot the same ammunition, and they have the same results the old Springfield had. There are the lovers of the Springfield rifle, and the advocates of it, who think it is a little better, but the two rifles have substantially the same range, as was demonstrated during the war. They have a little better range, as I recall, than the German Army rifle. We have on hand 2,800,000 interchangeable rifles, shooting the same ammunition, whether they are called Springfields or Enfields. The testimony before the committee showed that at the time we went into the war there were three factories in the United States making this Enfield rifle. They had been making the Enfield rifle for the use of the British, but shortly after we went into the war they began manufacturing the Enfield rifle for us, using the same sized ammunition we were using in our Springfield rifle. Our soldiers used those rifles effectively, their range was found good, their accuracy was beyond any criticism, and we have them now. To say that the manufacture of Springfield rifles is likely to become a lost art, and that we could not take it up if many years from now we were involved in a war, and

the present supply of rifles should fail, is to my mind unreasonable. Certainly, for the outbreak of any war we have more rifles on hand than we have of any other supply, and it is not conceivable that at the outbreak of a war we would need over the 2,800,000 we now have on hand. They might become obsolete; there may be a better rifle at that time, but those rifles are as good as now exist in the world, and that supply certainly is an ample provision for any possible war. I think, taking into account the fact that we are trying to do away with war, it probably is very excessive.

I read a few lines of the testimony before the committee:

Senator HITCHCOCK. Are you operating more than one plant?

General PEIRCE. No, sir.

Senator HITCHCOCK. Just that at Springfield?

General PEIRCE. Just at Springfield. The Rock Island plant is closed down.

Senator HITCHCOCK. What was the pre-war manufacture at Springfield?

General PEIRCE. As I said, the lowest that they had ever gotten, to my knowledge, was 75 rifles a day. That was just before the war.

Senator HITCHCOCK. At what cost was that?

General PEIRCE. That was around \$17, Senator, at that time.

I call attention to the fact that they are being manufactured now at a cost of \$30. Prior to that this testimony was given:

Senator HITCHCOCK. How many rifles have we on hand?

General PEIRCE. About 2,000,000 of the model of 1917 rifle, which was the modified Enfield rifle we procured during this war, and about 800,000, I should say, of the Springfield rifle.

Senator HITCHCOCK. Did you develop any difference between them as to efficiency?

Senator WADSWORTH. The Springfield rifle was always regarded as being a little better. We could not make that rifle fast enough.

General PEIRCE. There were three large factories equipped to produce the Enfield, and only Springfield and Rock Island equipped to produce the Springfield model of 1903.

Senator SPENCER. Is the ammunition interchangeable?

General PEIRCE. Yes, sir.

Senator WADSWORTH. This all comes down to the matter of policy. Of course, we do not need the 30 rifles a day that you would make?

General PEIRCE. No.

Senator WADSWORTH. It is only keeping a little organization going so that it will not perish.

That is the issue. If the Congress feels justified, in an appropriation bill, as a matter of policy, keeping the organization of men manufacturing rifles that are not needed, those in favor of that item will support this provision.

Mr. BORAH. How many men are employed there, and in possession of this art of making rifles, how many experts?

Mr. HITCHCOCK. My recollection is that there are 300, but I am not entirely sure of that.

Mr. LODGE. I think that is correct.

Mr. BORAH. Suppose a war should come, and we should need that rifle; we would have only 300 men in the United States who knew how to make it?

Mr. HITCHCOCK. That would be the conclusion.

Mr. BORAH. That would not do us any good.

Mr. HITCHCOCK. I can not see that this is anything more than employing men to manufacture something which, after it is manufactured, might as well be thrown into the ocean.

Mr. LODGE. Mr. President, the arsenal under consideration happens to be in the State which my colleague and I represent. As the Senator from New York [Mr. WADSWORTH] has said, it is one of the oldest, perhaps the oldest arsenal in the United States, I think certainly the oldest establishment for the manufacture of fine military rifles.

I do not sympathize with the doctrine of disarmament by example, disarming the United States alone, when no other country is disarming. Nor am I in sympathy with the idea, which is, no doubt, founded in fact to a certain extent, that if we close this arsenal down and should need rifles, we could probably buy them from some other country. I think it is better to have them made here; that it is very important that we should maintain that industry in making those military rifles, which are made nowhere else in the United States. I believe it is generally regarded that the Springfield new model is the best rifle there is, and I think it very important that this industry should not be extinguished.

As the Senator from New York has pointed out, it took two years to get some of the factories which made sporting rifles into condition to make military rifles, and although 300 men may be a small number, you have there the expert knowledge which makes it possible to expand it very rapidly if you need expansion.

I think it is somewhat like saying, "We are not at war; we are not likely to be at war, and as it costs a good deal of money to fire the guns on board ship, why do it?" If anything should go wrong, it is very desirable to have some men in the United States who are not foreigners who do know how to fire the big guns on board ship.

The economy which would destroy this industry is the kind of economy from which this country has suffered frightfully

every time it has had a war. It means the abolishing of all preparation, and we know how frightfully that has cost us every time we have been unfortunately obliged to go to war. I believe it would be a great economic mistake, and no advantage to the cause of peace to break up that group of expert workmen, just as I think it would be an intolerable mistake to break up our Army or our Marine Corps.

I hope for that reason that this arsenal, which has always done such good work, which has these trained men, will, on a very small scale, be maintained.

Mr. WALSH of Massachusetts. Mr. President, I want to ask the Senator from New York if any of the large nations of the world have abandoned the business of manufacturing military arms.

Mr. WADSWORTH. I have no information on that score; I do not know.

Mr. WALSH of Massachusetts. If we adopt this amendment, does it mean that the United States would go out of the business of manufacturing arms?

Mr. WADSWORTH. Yes; military rifles. We would make no more.

#### ATTORNEY GENERAL DAUGHERTY—THE MORSE CASE.

Mr. WATSON of Georgia. Mr. President, I ask unanimous consent that three editorials which I shall read may be published in the RECORD in 8-point type as a part of my remarks.

The first is from the New York World of to-day, the first column on the editorial page, under the headline, "Sharing the blame." It reads:

#### SHARING THE BLAME.

"Glutted with normalcy, the esteemed Tribune hysterically implores Congress to adjourn at once in order to save the November elections and protect the administration's prestige. It regards the situation as so serious that it appeals to the President to intervene long enough to get the Senators and Representatives out of Washington.

"If that were done, if the tariff and the bonus were put aside, the Tribune thinks that Republican control of the next Congress would be made secure, and the administration would be able to carry out its 'future program,' whatever that may be.

"But to what good? If the Republicans carry Congress in the fall the Sixty-eighth Congress will have the same leaders as the Sixty-seventh Congress, unless Republican luck should bring about the defeat of the Lodges, the McCumbers, the Fordneys, and the Mondells. Even in that event their successors would be equally dull-minded reactionaries who had achieved leadership through seniority, and the legislative branch of the Government would be in the same mess that it is now.

"Bad as Congress is, its adjournment would not transform Mr. Harding into a leader. Neither would it vindicate Attorney General Daugherty or establish public confidence in Secretary Fall or reduce taxation or whitewash NEWBERRY or change by so much as a comma the record on which the Republicans must make their appeal to the country in November.

"It is easy to abuse Congress, but Congresses differ from one another less than most people think. The average of intelligence does not change much, however majorities change. The difference between a competent Congress and an incompetent Congress is mainly a matter of leadership, and the American party system has vested the leadership in the President.

"Given a Congress of his own party, a President who knows what he wants done can usually manage to get it done. The country may not be satisfied with the achievement, but it will know what it is voting about when it goes to the polls, and the party in power will have something on which it can ask for a vote of confidence.

"The failure of the Sixty-seventh Congress has been almost wholly a failure in leadership, and the full responsibility goes further back than Mr. Harding's nomination. In order to manufacture a fictitious issue against Mr. Wilson the Senators who controlled the Republican National Convention in 1920 set up the fiction that Mr. Wilson was a tyrant and a despot who had tried to overthrow the legislative branch of the Government. In order to carry out this myth Mr. Harding abdicated all claim to leadership long in advance of his election. The President was to go his way and Congress was to go its way, but the communion of the 'best minds' would make it certain that both would be going in the same direction at the same time.

"The usurpation argument against Mr. Wilson was thoroughly dishonest, but the Republican Senators maintained it so vigorously that Mr. Harding has never dared to assert himself as leader of the party, and as a result Congress is in the worst muddle that the country has seen for a generation. The muddle

will continue until Mr. Harding becomes the leader of his party in fact as well as name or there is a new administration.

"A Congress that is left to drift is bound to drift. There have been times when the leadership within Congress was strong enough to hold it to a consistent program even when the Executive was weak, but there has been no instance in which Congress was able to function with any degree of intelligence when both the Executive and congressional leadership was flabby.

"Governor Miller, of New York, has made a convincing demonstration of the capacity of a strong, capable leader to obtain extraordinary results from a mediocre legislature. If Mr. Harding had been a Nathan L. Miller the record of the Sixty-seventh Congress would have been radically different. That is the whole story, and Mr. Harding can not get rid of his own responsibilities merely by getting rid of Congress. Whatever blame there is for the record, he must share it."

From the independent Philadelphia Record editorial page of to-day I read an editorial, in the second column, appearing under the headline—

#### BALLINGER AND DAUGHERTY.

"When the New York World says that 'the Attorney General has already become the Ballinger of the Harding administration,' it seems to us to be doing rather an injustice to the gentleman who was President Taft's first Secretary of the Interior. Ballinger was never a person of much importance or influence, and previous to his appointment to the Cabinet was no better known to the American public than he has been since he dropped into oblivion. He was not a politician of commanding authority, and hailed from one of the smallest States of the Union—Washington—so far as prestige is concerned.

"The charge against Ballinger, and the one which drove him from office, was that he unduly favored large interests which desired to exploit the natural resources of Alaska. If there were any partisan complications in the case they have been forgotten.

"Harry M. Daugherty is a much more formidable figure in every way. He has been a leading politician of Ohio for many years, and it was through his backing that Warren G. Harding was brought out as a presidential candidate, though having little strength either in his own State or in the country at large."

Mr. STANLEY. Mr. President—

Mr. WATSON of Georgia. I yield to the Senator from Kentucky.

Mr. STANLEY. Mr. President, I dislike to interrupt the Senator, but I wish to call his attention to the fact that he is receiving from the other side of the Chamber at this time. The Senator from Wisconsin [Mr. LA FOLLETTE] is one who can afford to hear it without a cringe and without a blush, and for that reason he is here. But the others have gone.

There is an animal called the ostrich, who sometimes puts his head in the sand and fancies he is not seen, although in that way he makes other portions of his anatomy only the more prominent. There are those who put their fingers in their ears and fancy they have silenced the accusing voice, because having made themselves dumb they no longer hear it. Gentlemen may hide their heads in the sand and put their fingers in their ears, but along about November in thunder tones they will hear, "Daugherty!" "Daugherty!" "Daugherty!"

Mr. WATSON of Georgia. Continuing the editorial which was so pleasantly and pertinently interrupted by my brilliant friend from Kentucky, I read:

"He"—

That is, Daugherty—

"had an active part in nominating Mr. Harding at Chicago and in managing his campaign. It was in gratitude for these services and because of their long personal friendship that the President selected him for the Cabinet, despite the vigorous opposition to his choice.

"Daugherty differs from Ballinger largely in his much greater powers for mischief. With his low standards of public morality and his belief in the efficacy of practical politics he is accused of turning the Department of Justice into a political machine. If he has failed to prosecute war grafters the suspicion is that these grafters have some pull, either as prominent Republicans or in some other way, and that he is protecting them. His connection with the Morse case is unsavory because of the trickery used in persuading President Taft to pardon that notorious person. In his year and a quarter in the Department of Justice he has not a single notable achievement to his credit so far as the public is aware. This record is in striking contrast with that of his predecessors.

"Ballinger was a weakling in comparison with the sinister figure of the Attorney General, the practical political manager,



corporation agent, and wirepuller. If Mr. Harding is wise he will give heed to public sentiment on this subject. To imitate General Grant's example and stand by friends, whether good or bad, will be suicidal. Harry M. Daugherty is capable of bringing much greater discredit upon his administration than Ballinger ever did upon President Taft."

From the Baltimore Sun of to-day I read from the editorial page, as follows:

THE WHITEWASH OF SILENCE.

"To whitewash a fence in springtime is an excellent idea. It makes it look better, and if it is a bit rotten it conceals the evidence of decay. To whitewash a public official at any time of the year is a foolish thing, and it is especially foolish when an election is coming on.

"The Republican majority in the House of Representatives is making this mistake with regard to Attorney General Daugherty. The two Republicans who have been demanding an investigation of the causes of the Attorney General's delay in prosecuting war frauds and war grafters are suppressed in the interest of party repute, and the whitewash brush and the whitewash pail of discreet silence are employed to give a wholesome and attractive aspect to the Attorney General's domains.

"There may be nothing to hide, but the political friends of Mr. Daugherty are doing their best to create the impression that there is something back of the charges that will not bear investigation. One of the names that will be heard most frequently from every stump in the congressional campaign will be that of Mr. Harding's reputed mentor and close friend, Mr. Daugherty, of Ohio."

Another of these great daily papers says that among the 40 rooms which Daugherty has rented for his prosecuting staff, one ought to be devoted to himself, in order that he may be investigated as to the trickery and fraud and the perjury committed in the case of the notorious criminal, Charles W. Morse.

Mr. President, the office of Attorney General is one of the highest in importance. It ought to be filled by a lawyer who is capable and who is honest. It ought to be filled by a man who is worthy to wear the shoes of Edmund Randolph, of William Wirt, of Hugh Legare, of Reverdy Johnson, of Jeremiah Black, and many brilliant and able lawyers who have filled that office so worthily. It ought to be filled by a man who is proud of the profession that gave to the world such glorious lawyers as Ulpian and Tully, whose names come ringing down the corridor of time; such men as Sir Samuel Romilly and Thomas Erskine; such men as Daniel Webster and Henry Clay. The office ought to be filled by a man whose conception of his profession is that it is one of the noblest that ever a man embraced, giving him splendid opportunities to protect the widow in her rights and the persecuted man in his liberties.

I have heard in my life many a sweet word, but outside of my own domestic circle I have never heard sweeter words than the verdict of a jury, which gave me the right to put back into the hands of a mother the child which she was about to lose, or back in the arms of his wife the man who was being tried for a capital offense. "We, the jury, find the defendant not guilty," are words which every lawyer loves to hear, when he feels that he has been pleading the cause of the innocent.

Mr. President, this Attorney General thinks that he can draw around himself the cloak of mystery and maintain unbroken silence when almost every newspaper in the land is clamoring for him to speak, and when the voters already are on their way to the polls to pronounce their verdict.

Mr. President, the newspapers inform us that the noble efforts of Republican Congressmen JOHNSON and WOODRUFF to get an investigation of the Department of Justice have been choked down in the other House. That is another of the blunders Mr. Daugherty is making. The American people admire a man who will face his enemies and who, if he has to go down, will go down fighting, like the sailor on the battleship and the soldier on the battle line. They do not love a man who skulks, who slinks away, who will not face his enemies, who will not answer material charges when made by persons responsible, as they have been made here on the floor of the Senate by representatives of great sovereign States.

Mr. Daugherty has been charged again and again with having falsified as to the Morse case and his connection with it, and he does not answer because he can not. He has been charged with having ordered the release of the British ship *J. M. Young*, which had come into New York Harbor with a cargo of liquor, in violation of the Federal statutes. It has been charged that T. B. Felder, the unspeakably corrupt crook, came here to Washington City and prevailed upon the Attorney General to telegraph to New York to have the proceedings dismissed and the liquor restored to those who had it in charge. He has been specifically charged with having ordered the release of \$200,000 worth of wine seized in up-State New York.

The wine was released, although those who had it were violating the law of the land. He has been charged with having stopped the proceedings against four or five dry agents who had proven recreant to their trust, and had illegally released 2,000,000 gallons of whisky in New York.

Mr. STANLEY. Mr. President—

Mr. WATSON of Georgia. I yield to the Senator from Kentucky.

Mr. STANLEY. Has the Senator read the great and highly unctuous address of the Attorney General to the Bar Association of America at Cincinnati?

Mr. WATSON of Georgia. If the Senator from Kentucky is alluding to the most recent one, I have not read it.

Mr. STANLEY. It is a most devout address. I understand that he submitted it to the head of a great propaganda in favor of more drastic sumptuary legislation for his approval before it was given to the Associated Press. Now, in all fairness, does the Senator from Georgia believe that a multitude of dry words ought to excuse a few wet acts?

Mr. WATSON of Georgia. We are told in Holy Writ that even the devil may quote Scripture, and if he can do that, he may also preach sermons.

Mr. President, another one of these definite charges hurled at the Attorney General from this floor, whose records he says he does not read, and with whose daily paper he had better become more familiar, perhaps, is that he caused the pardon of an Ohio millionaire who had violated the Federal law known as the Mann Act, the victim being a little 15-year-old girl. What reason could any honorable lawyer give for recommending a pardon in such a case? A crime like that proceeds from deliberation, premeditation, full consciousness of guilt, full consciousness of the penalty about to be risked; and when that penalty falls upon him, as the law requires, it is the Attorney General, acting officially, who has the President pardon him. My God! what kind of reason did the Attorney General give the President of the United States for clemency in a case like that?

Mr. President, the young man who gave to me the information for which, as Senators will remember, I did not vouch when I stated it here on the floor of the Senate, but which I merely called to the attention of the Attorney General, and which he has not noticed, was so imprudent as to go to my office without looking around to see whether or not he was being shadowed.

The Senator from Arkansas [Mr. CARAWAY] says that the Attorney General has had a negro shadowing him. I do not know and I do not care whether there is anybody shadowing me. I have no secrets to hide, even if Mr. Daugherty has. I have nothing to conceal from the agents of W. J. Burns, the great detective, who left Georgia in a hurry after his nefarious conduct in the Leo Frank case. He just did get away in time.

As I was saying, Mr. President, this young man was so indiscreet as to visit my office without noticing whether or not he was being followed, but in 15 minutes after he left my office he had been nabbed by one of the Burns men and put in jail. For what? For having passed, as they allege, a bad check for \$30 a year and a half ago. The sleeping dog suddenly woke up when the young man visited my office. The old case was suddenly revived, the resurrection and the life came into it. In 15 minutes after he left my office, and he is now in jail. This morning he was carried before Judge McCoy, of the District of Columbia Supreme Court. They were trying to railroad him back to Ohio, the State where the hotel is located on which he imposed, as alleged, with a \$30 check a year and a half ago.

Mr. KING. Will the Senator from Georgia yield to me?

Mr. WATSON of Georgia. I yield.

Mr. KING. I should judge from what the Senator stated in his last sentence that if an offense had been committed it was against the laws of the State. If that be true, what jurisdiction did Mr. Burns or the Federal officials have over this young man?

Mr. WATSON of Georgia. None whatever, Mr. President, as I understand the law. It is merely a "strong-arm method."

Well, this young man was taken before Justice McCoy, of the District of Columbia Supreme Court. He asked the judge for a continuation of his hearing on the extradition proceedings until this morning. He believed that he was being "framed up," and most Senators will so believe. The country at large will ask why this sudden action on the old case, a year and a half old, about a little \$30 check? Why the arrest of this man so soon after he had been to a Senator's office? I did not give his name away, but they must have run him down. The detectives, when they saw him go to my office, believed that he was the man who gave me the information.

He sent a request through one of the members of the press gallery urging me to come to see him this afternoon before the prison closed at 5 o'clock. I promised to go, and made ready

to go; but my latest information is that the Cleveland police authorities have decided to drop their charges against him. I am told that the Cleveland detectives returned this afternoon without him. The lawyer of the young man says that this conduct substantiates the young man's charge that he is being "framed up" to keep him from telling me and other Senators all that he knows about Felder and Daugherty.

Mr. President, can this Attorney General remain silent after an accusation like this? Do they think the country has no sense of honor? Do they think public indignation has lost the power to lash public men with its scorpion whip? Do they think that public sentiment can be defied? Are people always going to be patient when rich men who debauch little children of 15 years old are turned out and poor men are kept in jail for having said a few words which did no harm? Let them not think it. The country is aroused, and the country will be heard from in the election.

#### WAR DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10871) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment reported by the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as heretofore as to the transfer of my pair, I vote "yea."

Mr. NEW (when his name was called). Making the same announcement as to the transfer of my pair which I made on the previous vote, I vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as on the last vote with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Delaware [Mr. DU PONT] and vote "nay."

Mr. JONES of Washington (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, and I am paired with him for the day. I find I can transfer that pair to the junior Senator from New Hampshire [Mr. KEYES]. I do so, and allow my vote to stand.

Mr. BROUSSARD. I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. Not being able to secure a transfer, I withhold my vote.

Mr. HALE. Making the same announcement as heretofore with regard to my pair and its transfer, I vote "nay."

Mr. HARRISON. I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERTSON] and vote "yea."

Mr. WALSH of Montana (after having voted in the affirmative). I inquire if the senior Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The PRESIDING OFFICER. The senior Senator from New Jersey has not voted.

Mr. WALSH of Montana. I have a general pair with that Senator, and in his absence, being unable to secure a transfer of the pair, I withdraw my vote.

Mr. STERLING (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oklahoma [Mr. HARRELD], and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 18, nays 47, as follows:

#### YEAS—18.

Borah	Harrison	King	Stanley
Caraway	Hefflin	La Follette	Underwood
Dial	Hitchcock	Ransdell	Watson, Ga.
Gerry	Jones, N. Mex.	Robinson	
Harris	Kendrick	Simmons	

#### NAYS—47.

Ashurst	Calder	Cummins	Edge
Brandegee	Cameron	Curtis	Ernst
Bursum	Capper	Dillingham	France

Hale  
Johnson  
Jones, Wash.  
Kellogg  
Ladd  
Lenroot  
Lodge  
McCumber  
McKinley

McLean  
McNary  
Myers  
Nelson  
New  
Newberry  
Norris  
Oddie  
Page

Pepper  
Phipps  
Poindexter  
Pomerene  
Rawson  
Sheppard  
Shortridge  
Smoot  
Spencer

Sterling  
Sutherland  
Townsend  
Wadsworth  
Walsh, Mass.  
Warren  
Watson, Ind.  
Willis

#### NOT VOTING—31.

Ball  
Broussard  
Colt  
Crow  
Culbertson  
du Pont  
Elkins  
Fernald

Fletcher  
Frelinghuysen  
Glass  
Gooding  
Harreld  
Keyes  
McCormick  
McKellar

Moses  
Nicholson  
Norbeck  
Overman  
Owen  
Pittman  
Reed  
Shields

Smith  
Stanfield  
Swanson  
Trammell  
Walsh, Mont.  
Weller  
Williams

So Mr. HITCHCOCK's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, may we now go back to the first amendment which was passed over, commencing on page 15? It has to do with the commissioned and enlisted personnel of the Regular Army.

Mr. BORAH. Mr. President, if we can have a test vote upon the amendment on page 24, so far as I am individually concerned I shall not desire to delay the matter further. I do not know whether any other Senator desires to discuss this question or not, but the circumstances are such that I shall not undertake to discuss it this afternoon. If I can have a yeas-and-nays vote upon that amendment, I shall be content to let the matter go. That will test the question of the size of the Army.

Mr. WADSWORTH. It will.

Mr. KING. Mr. President, does the Senator now refer to the item commencing on line 15?

Mr. BORAH. Line 15, page 24.

Mr. KING. May I inquire of the Senator if that amendment is rejected whether that would automatically reduce the Army to the number provided in the House bill?

Mr. BORAH. Yes; 115,000. Upon that, Mr. President, if the Senator in charge of the bill is willing that we shall have a vote at this time, I ask for the yeas and nays.

Mr. WADSWORTH. Mr. President, I have no objection, of course, to the yeas and nays. I think for the purpose of the Record, at least, and possibly for the information of Senators, I should make a statement concerning the enlisted strength of the Army.

The PRESIDING OFFICER. As the Chair understands, the yeas-and-nays vote is desired upon the amendment on lines 15 to 21 on page 24.

Mr. WADSWORTH. The amendment is to strike out and substitute. The amendment really extends from line 5 to line 21, inclusive.

Mr. President, the House provides specifically for a Regular Army of 115,000 men. When I use the term "Regular Army" and discuss these figures, I exclude the Philippine Scouts, as they are not included in this appropriation, "Pay of enlisted men." In passing, I may say that the strength of the Philippine Scouts is 6,991 men. Let us call it 7,000 for easy figuring.

The House, as I said, provides for a strength of 115,000 American Regulars. The present authorized strength, in accordance with the terms of the Army appropriation bill passed nearly a year ago, is 150,000 American Regulars. The present actual strength of the Regulars is 134,000 men, 16,000 below the authorized strength of 150,000.

The reason for the Army having fallen so far below the strength authorized by the Congress for the fiscal year 1922, and appropriated for by the Congress for the fiscal year 1922, is that the appropriation for transportation of the Army for this fiscal year, 1922, was so drastically cut that the Army recruiting service has had to confine its efforts for the last six months or so to recruiting only in the immediate vicinity of Army posts, where the recruits, as they were picked up by the recruiting parties, could be sent on their own feet or in an Army automobile to the Army post. For several months past there has been no fund available for the transportation of recruits from the centers of population to the recruiting depots, the transportation item having been exhausted. That accounts for the decrease of the Army by 16,000 men below the authorized and appropriated for strength. This bill proposes that the average strength of the Regular Army, exclusive of the Philippine Scouts, shall be for the next fiscal year, 1923, the total of 133,000 men, 1,000 less than we actually have to-day, and 17,000 less than the Congress authorized as of to-day.



Their distribution, roughly speaking, would be somewhat as follows: Overseas, exclusive of troops on the Rhine, there would be, in round figures, 30,000 men. That includes the Porto Rico Regiment of Infantry, which is a part of the Regular Army, and, roughly, there are 1,400 men on the island of Porto Rico. It includes the garrison at Panama, which is to be fixed at 10,000 men. It includes the garrison at Hawaii, which should be 15,000 men. It includes in the Philippine Islands approximately 3,000 white Regular Americans. There are to-day in the Philippine Islands, let me say, a little over 6,500 white troops. It is the purpose of the department to bring back about half of them to continental United States, or else to Hawaii, and to reduce the Philippine white garrison to a trifle over 3,000.

There would be 570 men in China, stationed at Tientsin, guarding the railway communication between Tientsin and Peking, in accordance with an arrangement made following the Boxer troubles in 1902.

There would be 558 men as the entire garrison of Alaska. These total in the neighborhood of 30,000 men overseas, outside of the continental limits of the United States, leaving for the United States approximately 103,000 men of all arms and branches, overhead, noncombatant, nonmobile, and mobile troops of every kind and description.

Of the 102,000 or 103,000 men to be stationed in and over the United States approximately 25,000, or one-fourth of them, are stationed along or near the Mexican border, in the States of Texas, New Mexico, Arizona, and California.

Excluding the border contingents, which can not be reduced when one considers that they cover a frontier of 1,900 miles, we will have then in the United States for general purposes, to meet any kind of an emergency which may arise, and for which Federal troops may be used, about 77,000 men, including all overhead. Now I want to tell the Senate about the overhead and about the noncombatant troops, whose numbers must be deducted from this total number of available troops.

The use of chemical warfare has been denied by treaty. So the chemical-warfare contingent, numbering 403 men, not a very impressive contingent, may I say to the Senator from Idaho, must be subtracted.

The Coast Artillery Corps mans the seacoast fortifications, and can not be sent away. There are 9,088 of them in the United States.

There are 5,754 enlisted men in the Army detached from organized units and attached to the units of the National Guard, or Organized Reserves, the Reserve Officers' Training Corps in the several schools, colleges, and universities, and at the service schools, engaged directly or indirectly in these services in assisting in the teaching of citizen soldiers.

In the Finance Department, a noncombatant branch, there are 426 men.

Mr. KING. Mr. President, are the men in the item last mentioned but one, 5,754 men, enlisted men or enlisted men and officers?

Mr. WADSWORTH. They are all enlisted men. I am speaking of nothing but enlisted men.

Mr. KING. Are there not a great many officers employed in teaching in the various colleges?

Mr. WADSWORTH. There are, but not as many officers as men.

Mr. KING. Are they embraced within the 5,000?

Mr. WADSWORTH. No; I am speaking only of enlisted men. There are 5,754 enlisted men engaged upon a character of work which is of exceeding value, and which is tremendously appreciated by the citizen components of the Army of the United States, the Organized Reserves, the Reserve Officers' Training Corps, and the National Guard.

The medical department numbers 6,649 enlisted men. The Ordnance Department, a noncombatant branch, numbers 3,343 enlisted men. The Quartermaster Corps, which, generally speaking, is known as a noncombatant branch, but a portion of which, of course, accompanies combat troops into the field for purposes of supply, numbers 9,814.

The figures I am giving are the numbers in the noncombatant or nonmobile or overhead detachments or branches in the United States, and the sum total of them must be subtracted from the 77,000 men who are available all over the United States for any kind of emergency after the further deduction of 25,000 men along the border, and adding up these overhead, nonmobile, and noncombatant troops, we find that they foot up to 35,477.

Subtracting them from approximately 77,000 men, you find that you have not quite 40,000 men in the United States who can be used as a striking force outside of and in addition to the 25,000 men along the border.

Counting the men along the border, 25,000, and the other mobile, combatant, striking troops, scattered all over this great continent, under the terms of the Senate committee bill you will have only 65,000 men.

Some people say that we should disarm still further than that. I can not see it. I think we have reached rock-bottom. I would not advocate for one moment reducing the overseas garrisons below 30,000 men. The men who I have estimated will be available for use in the United States include the men now in Germany, brought back here; they include 3,500 men now in the Philippines to be brought back here. Everything is included. All subtractions are made. The last estimate is laid before you. I submit, Senators, that America should not decrease her forces any lower than they are decreased. In my judgment it would be folly to do so. Already the Regular Army finds it almost impossible to carry on the missions and functions imposed upon it by the national defense act passed by Congress itself.

Reduce it any further and it will be absolutely necessary for the War Department and the Army to come to Congress and ask the Congress to restate its mission; ask the Congress, "Do you want us to maintain the overseas garrisons at proper strength? Do you want us to detach officers and men to help the guard and the Organized Reserves? Do you want us to man the few fortifications along the seacoast that we are now manning?" We are manning to-day only 25 out of 75 in continental United States. Fifty seacoast fortifications are to-day in the hands of caretakers with the guns not manned and no drill or training taking place in connection with them.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. KING. The statement was made during the discussion over a year or two years ago by one of the distinguished members of the Appropriations Committee, who reported the so-called fortifications bill, as I recall it, that much of the money which had been appropriated for fortifications was unnecessarily appropriated, and that a different plan ought to be adopted with respect to the fortifications. The idea which was conveyed, as I interpreted his remark, was that a different method of fortification was required, and that in view of the long-range guns, and in view of the submarines and aircraft, the present policy of maintaining the coast fortifications was somewhat impolitic and archaic. For my own information, I would like to inquire whether there has been any modification of those plans, or whether the Senator accedes to the accuracy of that view?

Mr. WADSWORTH. Mr. President, it would take a military expert, a man of long experience and most ripe judgment, to comment intelligently on the question of the Senator from Utah. I am not competent to do it. I can say, however, for the Senator's information, that we are building no fortifications now, with the exception of three. We are building a very important fortification at Rockaway Beach to protect the city of New York, and we are mounting there a very small number of 16-inch rifles, which are about completed. They will be completed this summer, mounts and all.

At the mouth of the Chesapeake Bay, at Fort Story, it is proposed to mount a couple of 16-inch rifles, and it is proposed also at Panama to strengthen the fortifications at the entrance of the canal with 16-inch rifles, it now being conceded that the rifles at present at Panama are outranged by the rifles which the treaty on the limitation of naval armament permits foreign naval vessels to carry. Aside from those, no fortifications are being built. In order to show the Senate that certainly the committee can not be charged with extravagance, I am going to dissect portions of this bill for just a moment.

The bill now contains the old Army appropriation bill, the old West Point appropriation bill, and the old fortifications bill. Those bills provided for the military activities of the War Department. If you segregate from the pending bill those items which belong to last year's Army appropriation bill, including the appropriation for West Point, for last year West Point was put in the Army appropriation bill, you will find that this bill carries a total appropriation for those purposes of \$261,972,000.

Last year's appropriation for the very same and identical purpose amounted to \$327,688,000. In other words, for the military activities, the support of the Regular Army, all its fortifications, supplies, transportation, subsistence, and everything, including West Point and every conceivable military operation, the bill carries \$65,700,000 less than last year's bill, a direct saving in what might be termed armament or preparation for war—\$65,700,000.

Mr. KING. If the Senator will permit me, during the past year it has been presumed that there has been some of the liquidation process going on, and with the return to normalcy, to use President Harding's expression, there would be a material reduction in the expenses paid for the Army and for the Navy.

Mr. WADSWORTH. Of course, the Senator can ascribe it to anything he wants to. I am stating facts. The pending bill carries \$65,700,000 below last year's bill, and is that far below last year's appropriations because the committee, in the first place, has agreed to a reduction of the Army from 150,000 to 133,000, and, in the second place, the pay schedules of the Army have been revised at a substantial saving. These are the two big reasons. The other things to which the Senator refers do not amount to a snap of the finger in saving in these matters.

Mr. UNDERWOOD. Mr. President, will the Senator permit me to ask him a question?

Mr. WADSWORTH. Certainly.

Mr. UNDERWOOD. I followed the Senator's very clear statement as to the condition in the Army, but I am not sure that I got it into my head thoroughly. After eliminating staff corps—I mean those corps that can not be used for defensive or guard purposes—and eliminating the number of men in the foreign service—and I agree thoroughly with the Senator in that I do not think that force can be reduced at this time—he stated that it left us 65,000 men.

Mr. WADSWORTH. At the maximum; and may I say that that is based upon a theory that not one of them is sick at any time.

Mr. UNDERWOOD. That includes the men on the border?

Mr. WADSWORTH. It does.

Mr. UNDERWOOD. Eliminating the 25,000 men on the border from the 65,000 leaves 40,000 available men for police service in the States.

Mr. WADSWORTH. Approximately.

Mr. UNDERWOOD. That is, under the terms of the pending bill.

Mr. WADSWORTH. Yes.

Mr. UNDERWOOD. If we reduce it to the number of men provided for by the House and assume that we have the same number in the border service, how many would it leave for police service in the country?

Mr. WADSWORTH. If we take the House figures?

Mr. UNDERWOOD. Yes.

Mr. WADSWORTH. Twenty-two thousand men would be left.

Mr. UNDERWOOD. For service throughout the States?

Mr. WADSWORTH. For the entire United States outside of the border.

Mr. BORAH. What is the size of the National Guard to-day?

Mr. WADSWORTH. One hundred and fifty thousand.

Mr. BORAH. It will be increased to 190,000?

Mr. WADSWORTH. Over a course of months. As the National Guard increases the Regular Army has been decreasing, but the proportion of decrease in the Regular Army is more gradual according to these figures than the increase in the National Guard. We have reduced the Regular Army from an authorized strength of 280,000 down to 133,000, as proposed in the bill.

Last year at this time when we were talking about the size of the Army and the bill was before the Senate, the Regular Army consisted of approximately 220,000 men. We reduced it by act of Congress in the appropriation bill to 150,000. We discharged 70,000 men in four months. It was a stupid thing to do, because it cost us more money than to have let them go out naturally. We had to pay six or seven million dollars in transportation for those men to get home, at an average of \$55 per man, but it had to be done for effect. So 70,000 men were thrown out and instantly the department started to recruit again. The Senate committee does not believe that is good business. We know it does not save a cent. The figures we adopt are the present approximate strength of the Army.

Mr. BORAH. It has resulted in reducing the Army to 133,000 men.

Mr. WADSWORTH. Certainly; it would have been reduced if we had stopped recruiting.

Mr. BORAH. It would not have been reduced as promptly, however.

Mr. WADSWORTH. The method, however, was not a good one.

Mr. BORAH. It had the effect, however.

Mr. WADSWORTH. From a dollar and cents standpoint it was not a good method.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WADSWORTH. Certainly.

Mr. KING. I am interested in the number of troops which will be available for striking purposes, as I understood the Senator's expression.

Mr. WADSWORTH. The mobile force.

Mr. KING. The actual troops. It seems from the Senator's figures that it needs one man extra for every soldier put in the field.

Mr. WADSWORTH. Not at all.

Mr. KING. Practically that.

Mr. WADSWORTH. Oh, no.

Mr. KING. I think so.

Mr. WADSWORTH. The Senator forgets the figures.

Mr. KING. Oh, no; I do not forget the figures.

Mr. WADSWORTH. The Senator must have forgotten them.

Mr. KING. Very well, then, the Senator must have forgotten them.

Mr. WADSWORTH. I will read them again. The Senator from Utah has stated that it would require one overhead and supply man and noncombatant for each soldier.

Mr. KING. Substantially.

Mr. WADSWORTH. Now, let us see. I stated that there are 35,000 men in the overhead, noncombatant, and nonmobile troops. There are 65,000, including the men on the border, for combatant purposes and mobile purposes.

Mr. KING. How many combatant troops will there be out of the 150,000, or whatever number is provided for in the bill?

Mr. WADSWORTH. One hundred and thirty-three thousand is the average strength provided in the bill.

Mr. KING. Of course, that does not include officers?

Mr. WADSWORTH. No.

Mr. KING. What proportion of those will be available for strictly military purposes? And when I say strictly military purposes I do not include the commissary department, the medical department, and so on.

Mr. WADSWORTH. About 65,000 men.

Mr. KING. Then we would get about one-half of the number for strictly military purposes?

Mr. WADSWORTH. In the United States, and there are 30,000 overseas.

Mr. KING. We have how many in the United States in the Medical Corps?

Mr. WADSWORTH. In the Medical Corps?

Mr. KING. Yes. My recollection is that there are 6,000 privates in the Medical Corps. That does not take into account the officers.

Mr. WADSWORTH. In the Medical Corps there are 6,649.

Mr. KING. In continental America?

Mr. WADSWORTH. Of course some medical troops, some commissary troops, and so forth, go with the mobile troops in the field, but the great bulk are on the line of communication, to use a military term, and are not a part of the combat or striking forces.

Mr. KING. Does the Senator know how many civilians are employed in the War Department?

Mr. WADSWORTH. Yes.

Mr. KING. In all branches of the military service, to be available for utilization in the military strength provided in the bill?

Mr. WADSWORTH. I can give the exact number of people of civilian status under the War Department in and out of Washington compared with the number before the war and at the high peak.

Mr. KING. I am asking for the present number under the pending bill.

Mr. WADSWORTH. It will be somewhat less than the figures which I presented to the Senate. As I said, the committee has reduced the net number of civilian employees. The Senator from Missouri [Mr. SPENCER] can probably give some information about the reduction in the number of men.

Civilian employees in Washington at the time of the armistice were 37,406, and over the entire country, including Washington, there were 251,634. To-day there are in Washington, instead of 37,406, only 5,648.

Mr. KING. At the time of the armistice there were 4,000,000 men in the service.

Mr. WADSWORTH. The Senator need not interrupt me. I understand that perfectly well.

Mr. KING. The Senator is furnishing information which I did not ask for and with which I am perfectly familiar. I am asking for the number of civilian employees.

Mr. WADSWORTH. I understand that I have the floor, and I am endeavoring to furnish information which might be of interest perhaps to others than the Senator from Utah.



Mr. KING. If the Senator desires to give information to others, I have no objection.

Mr. WADSWORTH. That is what I am trying to do.

Mr. KING. I shall be glad if the Senator will give the information I asked for.

Mr. WADSWORTH. I think if the Senator will be patient he will get it.

Mr. KING. I shall wait with supreme patience for the learned Senator to furnish the information I asked for.

Mr. WADSWORTH. I was stating the number of civilian employees of the War Department. I thought it might be of interest to show how that number has been reduced. At present in the city of Washington there are 5,648 civilian employees, and over the entire country, including Washington, there are 48,691. Before we entered the war in 1916 there were all over the country, including Washington, 45,911. In other words, we are down now in the matter of civilian employees to within less than 3,000 of the number we had in 1916 in spite of the fact that since 1916 two branches have been added to the Army, each necessitating a number of civilian employees or clerks, namely, the Chemical Warfare Service and the Air Service. Those two services taken together account for 5,340 civilian employees in the War Department to-day. If they are subtracted and the calculation made upon the basis of the Army as it existed as to branches and tactical organization in 1916, we find that Secretary of War Weeks and the War Department are actually employing fewer clerks than were employed in 1916.

I think myself it is a most astonishing achievement, considering that much of the aftermath of the war itself is still on the hands of the War Department. We have still immense installations which have not been sold or realized on, which require watchmen to guard and clerks to take care of in the matter of accounts and fiscal operations. The bill will reduce the number still further, and I verily believe when the bill passes, if it should pass in the form even as proposed by the Senate committee, we shall have fewer civilian employees in the War Department than we had in 1916, and yet our Army will be 25,000 or 30,000 larger than in 1916, and twice as good an Army.

Mr. WARREN. It should be remembered, in making the reduction from last year's Army strength, that all the civilian employees were carried in other appropriation bills than the Army appropriation bill, so that the figures given awhile ago by the Senator from New York hardly do justice to the real shrinkage in the cost of the Army as stated.

Mr. WADSWORTH. That is very true.

Mr. KENDRICK. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Wyoming.

Mr. KENDRICK. I have listened very carefully to the very clear and comprehensive statement made by the Senator from New York, but on one point I am not quite certain that I understood him fully. The Senator stated, as I understood him, that the authorized Army strength at present is 150,000 men?

Mr. WADSWORTH. Yes; that is the authorized strength.

Mr. KENDRICK. But owing to a lack of appropriation or other causes, it is short of that number in the present quota by 16,000?

Mr. WADSWORTH. It is.

Mr. KENDRICK. Did I correctly understand the Senator to say that by some provision in the pending bill or other authorized provision the Army will be arbitrarily fixed at 133,000 after the passage of this bill?

Mr. WADSWORTH. Not fixed at that number, but the appropriation for pay of enlisted men, which is stated in the face of the bill itself, shall be used and shall be sufficient for paying an Army averaging in strength throughout the year 133,000. The authorized maximum strength would be 140,000. That provision is put in to give some leeway to the recruiting service, but throughout the entire year the average strength must not be over 133,000. If it goes up to 140,000 at one time during the year, it must go an equal distance below 133,000 for an equal portion of the year.

Mr. KENDRICK. Which has the same effect as fixing it arbitrarily at 133,000?

Mr. WADSWORTH. Yes; it has that effect.

Mr. KING. Mr. President, I should like to ask the Senator from New York a question. If I understood him correctly, the number of civilian employees under this bill will be approximately 54,000 in the United States and elsewhere?

Mr. WADSWORTH. Oh, no. The present number is 48,691. That includes all the civilian employees of the department wherever stationed—overseas, in continental United States, Germany, anywhere.

Mr. KING. What will be the number of civilian employees under this bill?

Mr. WADSWORTH. I can not give the Senator an exact estimate as to that. It certainly will be less, because certain restrictions are in the bill which are applicable to the employment of civilian employees in certain branches.

Mr. KING. Does the Senator think that the number will be reduced to 40,000?

Mr. WADSWORTH. I could not say.

Mr. KING. Well, assuming that the number is reduced to 40,000—and the Senator from Nebraska [Mr. HITCHCOCK] sotto voce says he does not think it will be reduced so low as that, if I understand him correctly—does not the Senator from New York think that it is a rather large number of civilian employees for the Army which is provided for in this bill?

Mr. WADSWORTH. Mr. President, if the number were merely for the Army alone, I would say yes, but unfortunately the War Department is saddled with many activities which have nothing to do with the Army. It has to take care of the national cemeteries; it has to run a cable to Alaska and to man it; it has to build roads and trails in Alaska; and it is necessary to have a clerical force to keep track of the accounts. It carries on river and harbor works, and, of course, it requires a clerical staff in the office of the Chief of Engineers and a clerical staff in the field with the Army officers who are supervising the work. The War Department conducts other similar activities that have nothing to do with the Army.

Mr. KING. Then this number would include the clerical civilian force for all those activities to which the Senator from New York has just referred?

Mr. WADSWORTH. It includes everybody who is employed by the War Department.

Mr. KING. May I suggest to the Senator, with a view of obtaining information, that some criticisms have been made in my hearing and to me by persons who are somewhat acquainted with the Army, to the effect that civilian employees are pressed into service to do work which, perhaps, the officers or soldiers might perform. Does the Senator from New York know to what extent that criticism is warranted?

Mr. WADSWORTH. No; I do not. It has not reached my ears. Of course, however, if we go on reducing the civilian employees and go on reducing the number of soldiers, both at the same time, the criticism could not stand; and that is what we have been doing.

Mr. NORRIS. I wish to ask the Senator from New York two questions. How much larger is the Army as provided for in the Senate committee amendment than the Army was in 1916?

Mr. WADSWORTH. My recollection is that in 1916 the Army numbered in the neighborhood of 102,000 men. At that time, however, we had no Air Service and we had no Motor Transport Corps, both of which, of course, are absolutely essential. It may be of interest to note also that at that time we had no machine-gun battalions whatsoever in the Army of the United States. Those agencies, which are positively essential, have been added since that time by statute and by regulation, in order to meet the requirements of an army which is expected to be able to take the field, and they more than account for the difference in size between about 102,000 and 133,000 men.

Mr. NORRIS. That is the question I was leading up to. Taking the enlisted men of the Regular Army under the Senate committee amendment, will there be more or less than we had of enlisted men in 1916?

Mr. WADSWORTH. There will be more.

Mr. NORRIS. How many more?

Mr. WADSWORTH. Approximately the difference between 102,000 and 133,000.

Mr. NORRIS. How did the size of the Army in 1916 compare, for instance, with the size of the Army in 1914? Was not the Army in 1916 increased considerably in size over the Army which existed before the breaking out of the war in Europe?

Mr. WADSWORTH. No. The first increase which occurred in the Army occurred as the result of the act of June 3, 1916, which was known as the national defense act. That act, as I recollect, found the Army numbering about 102,000 men. The act provided that for five years thereafter, to wit, from June 3, 1916, there should be annual increments to the Regular Army until its strength at the end of the five years—which would have been in 1921—would have been in the neighborhood of 225,000 men. That was the military policy which was laid down in 1916, a year before we went into the war; but that policy has been abandoned. We have now gone back and have suggested an Army of 133,000 enlisted men.

Mr. NORRIS. That does not quite answer my question.

Mr. WADSWORTH. That was the first increment.

Mr. NORRIS. How large was the Army just before that increase?

Mr. WADSWORTH. The Army numbered 102,000 men.

Mr. NORRIS. Before 1916?

Mr. WADSWORTH. I have not the figures before me, but my recollection is that the Army had varied between 88,000 and 102,000 for several years, but the old method of computation upon which 88,000 was based did not include the Medical or Quartermaster Corps; they were not counted as troops.

Mr. NORRIS. What conditions, in the Senator's judgment, exist now that did not exist before the war which require more troops in the Regular Army? Does the Senator think there were not enough in the Army at that time?

Mr. WADSWORTH. There certainly were not, according to my judgment.

Mr. NORRIS. It is not the Senator's idea, then, so far as the Army is concerned, to ever get it back to its pre-war size?

Mr. WADSWORTH. I should hope it would not be allowed to go that low. I do not think it should; I do not think it would be safe.

Mr. NORRIS. The House bill reduced the enlisted strength of the Army to 115,000 men. That number is still about 13,000 more than were in the Army before the war, is it not?

Mr. WADSWORTH. Yes. If the Army is to be reduced to that level, we might as well be perfectly frank about it. In that event we shall be compelled to withdraw from the National Guard and the Reserve Officers' Training Corps in the colleges those splendid sergeants and corporals and some privates, first class, who have been assisting in training those boys and who have been exceedingly successful in their work. If we continue to reduce we have got to withdraw officers and men, wherever the reduction takes place, from these educational activities upon which the whole military policy of this country is founded. If in time of peace we are not to train citizens so that they shall have a decent chance for themselves and for the country in time of war, if war shall overtake us, then we have no military policy at all and no defense, because the Regular Army can never be a large army.

Mr. NORRIS. I should like to inquire upon what the Senator bases his assertion that we should have to withdraw those instructors. As I understand his statement, outside of those acting as instructors and the men on the border and men overseas, we still have stationed at different places throughout the continental United States an Army much larger than the Army we had before the war, and an Army which has not any particular duty to perform except as emergency may arise here and there over the country, when it may be found necessary to send a few Regular troops into various communities.

Mr. WADSWORTH. It depends, of course, upon what the Senator means by "duty to perform." I consider that the Regular Army has a duty to perform.

Mr. NORRIS. We would still have left somewhere in the neighborhood of 40,000 men.

Mr. WADSWORTH. Yes; 40,000 men. Of course it may be said that we will get along all right with 40,000 men as long as there is no trouble.

Mr. NORRIS. We did get along—

Mr. WADSWORTH. Yes; until the war came.

Mr. NORRIS. We got along with much less than the number proposed, and of course if war came 40,000 would not be a drop in the bucket, so far as that is concerned.

Mr. WADSWORTH. They are merely a nucleus.

Mr. NORRIS. Yes.

Mr. WADSWORTH. But if you keep on reducing the nucleus there will be practically nothing left.

Mr. NORRIS. But for instruction of the National Guard, and so forth, it seems to me that there was no necessity before the war, and I do not understand why there should be now the necessity of using such a large Army. I never remember a time in the days before the war when we were short of the United States troops to quell any disturbance that might arise or that there was any complaint that there was a shortage of troops. Now, we are practically doubling the Army.

Mr. WADSWORTH. Oh, no; we are not anywhere near doubling it. We had 102,000 before the war, and the committee suggests an Army of 133,000.

Mr. NORRIS. When I say doubling I am referring to the portion of the Army that is still left after making allowance for all the officers and men on special duty.

Mr. WADSWORTH. Of course, in 1916 there was no provision of law for training the Reserve Officers' Training Corps and no provisions of law for the Organized Reserves, involving the detail of officers and men from the Regular Army as

instructors. We had no special-service schools at all; but we learned a lesson from the war, and I hope it will never be necessary again for American officers and soldiers to have to go to French schools and British schools to learn the tactics of their respective branches. We have now established tactical schools—schools of a very special character, such as Camps Benning, Riley, Knox, Bragg, and Eustis, all part of the system of instruction—to which National Guard officers and National Guard enlisted men go on their own volition to take the various courses, and where they are taught by officers and enlisted men of the Regular Army. All of that, of course, takes personnel.

Mr. NORRIS. We had none of that prior to the war?

Mr. WADSWORTH. We had none of that prior to the war. At that time a National Guard man was not allowed to go to a Regular Army school.

Mr. NORRIS. Mr. President, the training of the National Guard and of civilians constitutes one reason, it seems to me, why we do not need such a large standing Army. We have developed all those activities which we did not have before the war, when we had a much less number of soldiers in the Regular Army than we have now.

Mr. WADSWORTH. But those activities have to be carried on by soldiers of the Regular Army.

Mr. NORRIS. Oh, yes; I understand that.

Mr. WADSWORTH. That is one reason for a part of the increase.

Mr. NORRIS. The Senator has taken all those out, and I have excluded them from my calculations. It seems to me that with the number of officers and men that have been detailed, amounting to several thousand—the Senator gave the figures a short while ago—for educational and instruction purposes in schools and for training National Guard officers, and all that, instead of demanding an increase in the standing army it ought to bring about a decrease, because that means that we will not be under the necessity, as the Senator said we previously were, of sending our officers and men to foreign schools, although, so far as that is concerned, foreign governments send their men to our schools. We have soldiers here from practically all the nations in the world studying in various localities in the United States, and I suppose we send our men to other countries. We are giving military instruction to civilians, and we have developed the National Guard until its present organization far surpasses its organization before the war, so that the old National Guard can not be compared in its ability to perform military duty on short notice with the National Guard as at present organized. If that means anything, if it has any value whatever, it seems to me that the value is that it will be unnecessary to maintain so large a standing army, because we have military information and training given to the ordinary citizen and provided in the various schools and in the National Guard. Such activities are used as a reason why we should have a larger Army; the fact that they were not carried on prior to the war and that we got into trouble is used as an argument by the Senator from New York why our Army should be increased now. As a matter of fact, it is an argument for a smaller standing army, because, in case of difficulty, we would be able to rely upon the instruction, upon the information, and upon the training that has been given to the National Guard and to civilians through these very activities. Hence if the training amounts to anything—and I think it does—it would mean that we could equip an army of trained soldiers a great deal quicker than we ever did before; and, so far as time is concerned, we did it very quickly during the recent war.

There can be no argument made for a large standing army because we need a large standing army to do the fighting in case of war. If that were so, then we must maintain a million men. It is not intended to have a standing army that will be equipped as fighting men during time of peace, but only a nucleus. Now it is proposed to increase the number of enlisted men provided by the House bill by 22,000 men.

Mr. WADSWORTH. By 18,000.

Mr. NORRIS. By 18,000; I stand corrected. It is proposed to increase it by 18,000, when as a matter of fact the House bill itself provides an increase of 13,000 over the number of men in the Regular Army before the war. Then, in addition to that, we now have the National Guard in a condition that the Senator himself says is far superior to anything that ever existed before the war, so that the reason for a larger standing army falls.

I should like to call upon any Senator here to point to the occasion or the time before the great World War when we were ever handicapped by not having a standing army that was large enough to meet every contingency and every emer-



gency that ever arose in time of peace. Have we any reason to believe now that it will be different, especially when we take into consideration the fact that we have a National Guard and a citizen soldiery equipped with military knowledge such as we never had before, such as we never had even an indication of, away beyond anything that ever existed? And now, on top of all that, it is said that we must increase the standing army!

It seems to me that not a single argument has been produced to show that the standing army should be greater than before the war. In fact, the argument is that it should be, and could be without any risk whatever, less, because of these other activities that the Senator from New York has so well mentioned and described.

Mr. President, it was said when the last Army bill was here, and shown conclusively, that practically the only place where we could get any material reduction in the way of taxation was through reducing the Army and the Navy appropriation bills. Now, at a time when no argument is shown for an increase of the standing army, but the argument is the other way, coupled with the fact that the American people are bowed down to the earth with the burdens of taxation, and here is a place where we can cut it off by the millions without any injury or risk, it seems to me that we shall fall far short of performing our duty if we do not apply the pruning knife.

Mr. MYERS. Mr. President, after cessation of the hostilities of the World War, and while he was still President, Woodrow Wilson urged that the United States maintain a standing army of 300,000 men. At the same time Newton D. Baker, then Secretary of War, urged that the United States maintain a standing army of 300,000 men; and as a parting admonition, before those eminent officials retired from public office, they urged very strongly that Congress should not, under any circumstances, reduce the strength of the standing army below 200,000 men.

I do not believe that anybody could properly accuse either one of those worthy gentlemen of being a militarist. I do not think there is anything in the record or career of Woodrow Wilson to show that he is or ever was a militarist. He is, I think, admittedly one of the most world-renowned and eminent advocates of world peace, one of the most ardent and passionate devotees of peace that the world has ever known. With him, love and advocacy of peace are a passion. He devoted some of the best and most precious years of his life to a supreme effort to establish permanent world-wide peace. He sacrificed his health and almost sacrificed his life in an effort to establish world peace, and I know that nobody can justly accuse him of wanting to see the world an armed military camp.

All of his ideas and ideals are those of a man of peace. A just, world-wide peace has been the ambition of his life. Hon. Newton D. Baker is cast very much in the same mold, and yet they both insisted after the end of the World War that the needs of this country required a standing army of 300,000 men. I think their first figures, looking back at them now, may have been rather liberal; they may not have been entirely justified; but when they said that the country should always have a standing army of at least 200,000 men I think they were well within the bounds of reason.

General Pershing has always argued that this country, under the reorganized scheme of maintaining an Army which Congress has enacted and provided for, required a standing army of at least 200,000 men and has pleaded very strongly that it should not be reduced below that number; and yet the tendency of the times has been, undoubtedly owing to the great expense of the World War and the enormous burden of taxation under which the people of this country are staggering, to reduce the size of the Army below what many thought it should be maintained at when the World War closed. There may be some semblance of reason in favor of that contention, but I think we should be very careful not to go too far in that direction. In spite of the pleadings of President Wilson and Secretary of War Baker and General Pershing before the close of the last preceding administration, Congress reduced the size of the Army to 150,000 men. I thought then and I think now that that was and is the very lowest figure consistent with safety and prudence under the scheme of reorganization which Congress has enacted and provided for keeping up a standing army in this country; and yet we are now confronted with the proposition which comes from the House, as set forth in this bill, of reducing it to 115,000 men.

I think that is going entirely too far and wholly beyond the bounds of reason, in the direction of economy, if economy be the ground. We need to economize in this country, undoubtedly, but we should economize with prudence and in accordance with reason. I do not think we should destroy or cripple an essential branch of the Government merely for purposes of economy. That would not be wise economy.

If this great country, the greatest in the world, which possesses a larger area of the earth's surface than any other country in the world, excepting Great Britain and Russia; a country with 11,000 miles of seacoast, 10,000 cities and towns, and 1,900 miles of Mexican border; with its great rivers and numerous harbors; with great industrial centers and a vast system of railroads; with its 48 States, to which it is pledged to guarantee and maintain a republican form of government, and to each of which it owes the bounden duty to enforce and maintain within its borders law and order, if the State authorities are unable to do so; with the Philippines, Hawaii, Alaska, Porto Rico, Guam, the Panama Canal strip, and the Virgin Islands as outlying territorial possessions, where it must maintain order; I repeat, if such a country does not need a standing army of 134,000 men, then I must confess that in my opinion it does not need any at all. If 134,000 men are not reasonably necessary, then 34 men would be sufficient, or none at all. If we are going to maintain an army at all, on the plan of a reorganized and reconstructed system, the framework of which was carefully worked out by Congress and provided as a permanent basis for maintaining a standing army equal to our needs, then I think 134,000 men the least number that should be considered. If, under that plan, we are not going to maintain an army of 134,000 men, I do not think we need to undertake to maintain any at all. The truth is, in this great country of vast territory, vaster responsibilities, great stretch of seacoast, complicated industrial life; a country of more than 110,000,000 population, which is rapidly growing; in this great country, I say, the truth is a standing army of 134,000 men is a mere pittance, a trifle, only a handful of soldiery. It is insignificant. It amounts to little more than a good police force. Of course, some people are opposed to any army at all. Some people want no army. There are elements of our population that oppose having any army at all; even oppose a State militia; but in every civilized country of the world there is need for some army, and it always will be so until the coming of the millennium; and a self-governing country of law and order should have a decently adequate army. It is an essential part of governmental housekeeping.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. MYERS. I yield to the Senator from Arkansas, with pleasure.

Mr. CARAWAY. How does the Senator arrive at 134,000 as being the proper number? Why does he think that that is safe, and below that is dangerous, and above that is too many?

Mr. MYERS. The Senator is entirely mistaken. I have not said that nor anything like it. I do not think above that number is too many. I think we might well and should maintain an army of 150,000 men, as Congress provided for a year ago, and I have said so.

Mr. CARAWAY. I thought the Senator said that 134,000 was safe, but that he would not go above or below that number.

Mr. MYERS. No. I said that if we were not going to maintain an army of 134,000 I did not see any use of maintaining any at all, but that I felt that that number was the least number we should consider under our present plan of army reorganization. A year ago Congress and its committees carefully worked out the idea that 150,000 men was the least number of men that we could have to maintain even a skeleton organization of an army, in all of its essential parts, according to the plan that had been devised by Congress, and I think Congress was right when it did so, and so declared. Here, however, is a proposition to reduce the number 16,000 below that figure, and another proposition comes from the House to reduce it by 35,000. I think 150,000 needed, but as between the two propositions before us, I prefer the plan proposed by the Senate committee, the one which proposes the larger number—the one more nearly approaching our needs. I think the House proposition absurd.

The Senate proposition comes nearer to what was deliberately agreed upon by both branches of Congress a year ago as being essential for keeping up a skeleton of our reorganized Army under the plan that Congress had deliberately devised and the Executive had approved. We came to that conclusion a year ago, and I can see no reason for abandoning it if we are going to keep up an Army at all on that plan. If we are not going to keep up an Army on that plan, then I think we should devise some other plan that would call for a lesser number of troops; but as long as we adhere to that plan I think we ought to have an Army of 150,000 men or as near to it as we can get.

I realize that there are few ways in which a Member of Congress may appeal more strongly to popular favor than by "jumping on" the Army, as you might say, decrying the Army, and wanting continually to reduce it. I know that it meets with much popular favor; there is always a hue and cry against any

standing Army; but, at the same time, the Army is an essential branch of our Government. It is liable at any time to be just as essential as the lawmaking branch of the Government. Congress and the Executive make the laws of the country. The Executive must enforce them. In enforcing the laws the executive branch must rely upon the administrative officials of the Government to enforce the law. If they fail, or prove insufficient, he must call upon the posse comitatus, and if that fails him or proves insufficient he must fall back in the last resort upon the Army. Then, if the Army proves insufficient, the Government must fall. Unless we are going to have a decent-sized Army, well organized and equipped, ready to meet any emergency from without or within, I do not see any reason for undertaking to have any at all.

I am in sympathy with the figures set forth in the amendment that is recommended by the Senate Committee on Military Affairs. I think the figures are entirely within the bounds of reason, and think they come the nearest to what our military officials say we ought to have. My only objection to them is that they are too low, but they appear to be the best there is any chance of getting, and I favor the Senate committee amendment.

Mr. HITCHCOCK. Mr. President, the chairman of the Committee on Military Affairs said some time ago that we have at the present time an Army twice as good as it formerly was. I presume he referred to pre-war days. I agree with him. It is not possible to sit upon the Committee on Military Affairs and listen to the testimony of officers of the department who come before the committee without being impressed by the spirit, the discipline, and the high order of intelligence of the organization, and I unite with the Senator in paying a meed of praise to the Army of the United States. I think it has come out of the war enormously improved, and what is true of the Army is to a considerable extent true of the organization of the War Department.

I agree also that it is a matter of some difficulty for a civilian to listen to those officers pleading for military perfection in an organization and not yield to their recommendations for maintaining a large organization, and probably it is true that if we reduce the size of the Army below what it is now, there may be some deterioration as measured by perfection.

But, Mr. President, this is a matter in which the people of the United States have a right to make a decision. It is hardly within the probabilities that the American people want a perfect military machine. What they want is an adequate military machine, for protection, to preserve the science of warfare, to maintain trained officers, to teach the civilian population enough about military affairs, so that in the possible, though remote, chance of war, we would be able to go into the war with credit and with safety.

The fact is that this bill comes to us from the House of Representatives providing for a total appropriation of \$287,897,000. My judgment is that that appropriation was fixed, and the limitation was made, in response to a widespread demand among the American people for a reduction of military expenditures. It is not simply because the American people are overburdened with taxes; it is because they are against excessive expenditures for military purposes. As I have said, they want adequate military protection, but they do not demand military perfection.

This bill emerges from the Senate committee with a total appropriation of \$333,882,851, which is an addition of practically \$46,000,000. A part of that increase in the appropriation is necessary. It is necessary, because the House in considering the bill used the rate of pay of 1908, and the Congress has already passed an act raising the pay, although leaving it below the pay of the officers and men during the war. So a part of that addition of \$46,000,000 is necessary.

Another part, I believe, is justified by the action of the Senate in increasing the number of officers above what the House had provided. I believe in that increase, not because I believe in a larger Military Establishment, but because I believe in providing officers for the teaching of civilians who are unorganized, or those civilians who are organized in the National Guard. I believe in providing as many officers in our schools and our colleges as are needed. I believe in providing officers in our civilian camps, where training takes place during the summer. In other words, I believe that the increase in the number of officers is justified because of the opportunity it gives to train a limited number of the civilian population. So some increase, in my opinion, is justified by that.

However, when we come to the increase in the number of enlisted men from 115,000, as provided in the House, to 140,000, as provided in the Senate committee bill, I am disposed not to go with the committee. I know the chairman of the committee says that is a maximum; but so is 150,000 a maximum.

Mr. WADSWORTH. We actually appropriated for 150,000 for this year.

Mr. HITCHCOCK. I am coming to that now. As a matter of fact, a year ago, when the Congress insisted on reducing the limit of the Army to 150,000 men, we were met by the Secretary of War and the military officers of the War Department with a storm of protest. They said then the same thing they say now, that it would demoralize our Military Establishment; that it would make it impossible to perform the duties which Congress required of our Military Establishment, and, as I recall it, they were fully as emphatic then in opposing a limit of 150,000 as they are now determined to have 150,000.

Mr. CARAWAY. Mr. President, does the Senator remember that that amendment was condemned by the President when he signed the bill?

Mr. HITCHCOCK. I do not remember his words.

Mr. CARAWAY. In effect, was it not condemned?

Mr. HITCHCOCK. I think it was condemned by the President, and that he said he would not ask his Secretary to enforce it.

Mr. LENROOT. Mr. President, I would like to know if President Wilson did not make a like condemnation when we limited it to 175,000.

Mr. HITCHCOCK. It is quite likely.

Mr. WADSWORTH. He vetoed the bill.

Mr. HITCHCOCK. I am not criticizing President Harding for what he said. If I should hold the office of Secretary of War, as Mr. Weeks now holds it, and if I were surrounded by those military officers, who should come to me one after another and insist that any diminution of their particular departments would send the country to the bow wows, I suppose I would be influenced by them. Any civilian is influenced by them, and as a member of the Committee on Military Affairs, and as a member of the subcommittee, I confess that at times I was influenced by the positive statements of those officers, many of them young, keen, bright, alert, highly trained, and highly educated. I was influenced by what they said. I am not a radical by any means, for that reason. I can hardly be regarded as a radical.

But I say that the reduction of the Army to 150,000 men carries out the will of the people; that the will of Congress as expressed a year ago has proven a success, and that at the present time we have not 150,000 men.

We have only about 141,000 men actually enlisted, and things seem to be getting on very well. The ruin has not come; war has not been provoked, the Military Establishment has not been disjoined, and I am morally certain in my own mind that if we make a still further reduction we shall find at the end of the year that the Military Establishment will still be here. There might not be quite the military perfection in all departments which theoretically the officers think there would be if we maintained a larger number, but I believe the country will find by experience, after another reduction, that the Nation still lives, and that no material damage has been done.

I think it is of importance that Congress should respond to the demand of the American people for relief from taxation. I would not like to be forced to choose between the House limit and the limit provided by the committee of the Senate, although if I am, I believe I shall vote for the House limit. I believe that there should be a mid-position taken. I believe we should make another reduction this year, in the hope that we can make still another one next year.

I realize in saying that that men who are in close contact with military officers are, perhaps, in a better position to judge than I am, but Congress is between the demand of the people for a reduction and the financial need for a reduction and the demand of these officers for what I might call a theoretically perfect Military Establishment.

I believe that if we err at all we should err in the direction of economy. If we should find that we made a mistake, it would be very easy to retrace. So, if I am forced to choose, I shall vote for the House limitation of 115,000 men.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 24, inserting the item "Pay of enlisted men." The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "yea."

Mr. NEW (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."



Mr. WALSH of Montana (when his name was called). In the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I am paired, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WARREN (when his name was called). Again announcing the transfer of my pair, I vote "yea."

The roll call was concluded.

Mr. BALL. I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea."

Mr. SMITH. Has the Senator from South Dakota [Mr. STERLING] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. SMITH. I have a general pair with that Senator. In his absence, I am compelled to withhold my vote.

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from South Dakota [Mr. NORBECK] and vote "yea."

Mr. SMITH. I have just been informed that my pair [Mr. STERLING], if present, would vote as I am going to vote, and therefore I take the liberty of voting. I vote "yea."

Mr. BROUSSARD. I transfer my pair with the senior Senator from New Hampshire [Mr. MOSES] to my colleague [Mr. RANDELL] and vote "nay."

Mr. WALSH of Montana. I transfer my pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN] to the senior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. HARRISON. I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. EDGE (after having voted in the affirmative). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oklahoma [Mr. HARRELD] and allow my vote to stand.

The result was announced—yeas 49, nays 21, as follows:

#### YEAS—49.

Ashurst	Gerry	McNary	Smith
Ball	Gooding	Myers	Smoot
Brandegee	Hale	Nelson	Spencer
Bursum	Heflin	New	Sutherland
Calder	Johnson	Newberry	Townsend
Cameron	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Page	Wadsworth
Cummins	Kendrick	Pepper	Warren
Curtis	Lenroot	Phipps	Watson, Ind.
du Pont	Lodge	Polindexter	Williams
Edge	McCumber	Rawson	
Ernst	McKinley	Sheppard	
France	McLean	Shortridge	

#### NAYS—21.

Borah	Harrison	Norris	Walsh, Mont.
Broussard	Hitchcock	Robinson	Watson, Ga.
Capper	Jones, N. Mex.	Simmons	Willis
Caraway	King	Stanley	
Dial	Ladd	Swanson	
Harris	La Follette	Walsh, Mass.	

#### NOT VOTING—26.

Crow	Glass	Norbeck	Shields
Culbertson	Harreld	Overman	Stanfield
Dillingham	Keyes	Owen	Sterling
Elkins	McCormick	Pittman	Trammell
Fernald	McKellar	Pomerene	Weller
Fletcher	Moses	Ransdell	
Frelinghuysen	Nicholson	Reed	

So the amendment of the committee was agreed to.

Mr. WADSWORTH. I ask that we now return to the committee amendment which commences on page 15, "Pay of officers," and which was passed over.

The ASSISTANT SECRETARY. The committee report, on page 15, after line 9, to strike out:

Pay of officers: For pay of officers of the line and staff, \$26,896,200: *Provided*, That the sum herein appropriated for the pay of officers shall not be used for the pay of more than 11,000 commissioned officers on the active list, of which number there shall be not to exceed 1 general, 21 major generals, and 46 brigadier generals of the line; the general officers authorized by law for chiefs and assistant chiefs of branches; the number of officers of the Medical Corps now authorized by law of six and one-half for every thousand enlisted men, the number of officers of the Medical Administrative Corps now authorized by law of 1 for every 2,000 enlisted men, the number of officers of the Dental Corps now authorized by law of one for every thousand officers and enlisted men of the Regular Army; not to exceed 109 commissioned officers of the Veterinary Corps; 1 chaplain as now authorized by law for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts; professors at the United States Military Academy; the military storekeeper; and those belonging to branches whose names are carried on the promotion list to be distributed in grades as follows: Not to exceed 4 per cent in the grade of colonel, or 389; not to exceed 4.5 per cent in the grade of lieutenant colonel, or 437; not to exceed 15 per cent in the grade of major, or 1,458; not to exceed 30 per cent in the grade of captain, or 2,915; not to exceed 28.5 per cent in the grade of first lieutenant, or 2,769; and the remainder in the grade of second lieutenant: *Provided further*, That officers found surplus may be recommissioned in the next lower grade in accordance with their

standing on the promotion list, or on the relative list if their names are not on the promotion list, or those of less than 10 years' commissioned service in the Regular Army may be discharged with one year's pay, or those of more than 10 years' commissioned service and less than 20 years' service may be placed on the unlimited retired list with pay at the rate of 2½ per cent of their active pay multiplied by the number of complete years of such commissioned service, or those of more than 20 years' commissioned service in the Regular Army may be placed upon the unlimited retired list with pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per cent; all under such regulations as the President may prescribe.

And in lieu thereof to insert:

Pay of officers: For pay of officers of the line and staff, \$35,390,438: *Provided*, That after five months from the date of approval of this act no part of the sum herein appropriated for pay of officers shall be used for the pay of more than 13,000 commissioned officers of the active list of the Regular Army: *Provided further*, That hereafter there shall be officers as now authorized by law except that there shall be 494 colonels, 555 lieutenant colonels, 1,850 majors, 3,700 captains, 5,735 lieutenants, including first and second lieutenants of whom not to exceed 3,515 may be first lieutenants and of whom no officer shall be promoted to the grade of first lieutenant until he shall have served at least three years in the grade of second lieutenant, 1,053 officers of the Medical Corps, 177 officers of the Dental Corps, 144 officers of the Veterinary Corps, 81 officers of the Medical Administrative Corps, 136 chaplains, and the number of officers of the Medical Department and chaplains shall be as prescribed herein notwithstanding changes that may occur in the authorized enlisted or commissioned strength of the Army: *Provided further*, That for five months after the date of approval of this act there shall be no promotions to grades below brigadier general of officers of the Regular Army except of officers of the Medical Department and chaplains and thereafter there shall be no promotions to any grade that would cause the numbers hereinbefore authorized for each grade to be exceeded, and vacancies now existing in any grade below brigadier general not actually filled by the acceptance of an appointment tendered prior to the date of approval of this act shall not be filled and there shall be no appointments of officers of the Medical Department that will cause the total number thereof to exceed 1,455: *Provided further*, That within five months of the date of approval of this act the number of officers shall be reduced to such number in each grade and in the branches of the Medical Department and chaplains as the President may direct, not exceeding the numbers hereinbefore authorized except that there may be retained until absorbed not to exceed 194 additional majors, 395 additional captains, 32 additional officers of the Dental Corps, 40 additional officers of the Medical Administrative Corps, and 22 additional chaplains: *Provided further*, That the Secretary of War shall convene a board of five general officers who, under regulations prescribed by him, shall recommend to the President such officers for retirement or discharge as may be necessary, in addition to the reduction in numbers accomplished by other means, to complete the reduction to be made within five months of the date of approval of this act: *Provided further*, That hereafter the President may, in his discretion, place upon the retired list any officer who, under existing law, may be retired on his own application, and within five months of the date of approval of this act the President may, in his discretion, place upon the retired list or discharge the officers recommended to him by the board of general officers under the preceding proviso and such other officers as may apply for retirement or discharge, the total in any grade or branch so retired or discharged not exceeding in number the reduction to be made within five months, the retirements and discharges herein authorized within five months to be under the following conditions: Officers of more than 10 years' service may be placed upon the unlimited retired list with retired pay at the rate of 3 per cent of their active pay multiplied by the number of complete years of their service, not exceeding in any case 75 per cent; officers of not more than 10 years' service may be honorably discharged with one year's pay unless they shall have had more than seven and one-half years' service, in which case they shall be discharged with two years' pay: *Provided further*, That the term "service" as used in the preceding proviso shall include all service credited to commissioned officers for retirement or for increased pay for length of service; and any officer whose name is carried on the promotion list and who was originally appointed in a grade above second lieutenant shall be credited with a length of service that shall be the same as the commissioned service in the Regular Army of the officer next above him on the promotion list who was originally appointed in the grade of second lieutenant; and any officer of the Medical Corps, Dental Corps, Veterinary Corps, or any chaplain, originally appointed in a grade above the lowest authorized grade of the branch in which commissioned, shall be credited with a length of service that shall be the same as the commissioned service in the Regular Army of the officer of the same branch next senior in rank who was originally appointed in such authorized lowest grade; and any colonel, except of the Medical Department, whose name is not borne on the promotion list, and who was originally appointed in a grade above second lieutenant, shall be credited with a length of service that shall be the same as the commissioned service in the Regular Army of the colonel, exclusive of colonels of the Medical Department, next senior in rank who was originally appointed in the grade of second lieutenant: *Provided further*, That any officer whose actual length of service as hereinbefore defined is greater than the service with which he would be credited under the foregoing proviso shall be credited with his actual length of service: *Provided further*, That so much of section 24 of the act approved June 4, 1920, as provides that any person originally appointed under the provisions of said act at an age greater than 45 years shall, when retired, receive retired pay at the rate of 4 per cent of active pay for each year of commissioned service shall not be construed as applicable to said officers when retired under the provisions of this act or when retired for physical disability incident to the service: *Provided further*, That officers shall be assigned to the several branches of the Army so that the number assigned to any branch, except of the Medical Department and chaplains, shall be 82½ per cent of the number prescribed for such branch by the act of June 4, 1920, but the President may increase or diminish the number of officers assigned to any branch by not more than a total of 30 per cent.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I shall have to ask the Senate to reconsider the vote by which the amendment just

agreed to was adopted, as I want to offer two perfecting amendments to it, which, however, make no real difference in the meaning of the amendment.

The VICE PRESIDENT. Without objection the vote whereby the amendment was agreed to will be reconsidered.

Mr. WADSWORTH. On page 17, line 10, after the words "commissioned officers" I move to insert the words "plus emergency officers in hospitals undergoing physical reconstruction." That amendment is for the purpose of making it perfectly certain that 40 or 50 unfortunate emergency officers who are still in hospitals, who are crippled from wounds in the World War, shall continue to be paid.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. On page 18, line 16, after the word "Medical," I move to strike out the word "Department" and to insert the word "Corps"; so that it will read:

There shall be no appointments of officers of the Medical Corps that will cause the total number thereof to exceed—

And so forth.

Then, in line 17, I move to strike out the words "four hundred and fifty-five" and to insert the words "and fifty-three"; so as to read "that will cause the total number thereof to exceed 1,053"; and then insert the words "of the Dental Corps 177, of the Veterinary Corps 144, or of the Medical Administrative Corps 81." The sum total of those is 1,453.

That completes the statement of the amendment which I propose to the committee amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from New York [Mr. WADSWORTH] to the committee amendment will be stated.

The ASSISTANT SECRETARY. On page 18, line 16, after the words "Medical," it is proposed to strike out the word "Department" and to insert the word "Corps"; and in lines 17 and 18, to strike out the words "four hundred and fifty-five" and to insert the words "and fifty-three, of the Dental Corps, one hundred and seventy-seven, of the Veterinary Corps, one hundred and forty-four, or of the Medical Administrative Corps, eighty-one."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The committee amendment as amended was agreed to.

The next amendment passed over was, on page 21, line 24, after the word "pay," to insert "and allowances," and in line 25, after the word "Corps," to strike out "\$250,000" and to insert "\$2,000,000," so as to read:

For pay and allowances of the officers of the Officers' Reserve Corps, \$2,000,000.

The amendment was agreed to.

The next amendment passed over was, on page 22, after line 21, to strike out "For pay of warrant officers, \$1,534,336: *Provided*, That the sum herein appropriated for pay of warrant officer shall not be used for the pay of more than 40 warrant officers of the Mine Planter Service: *Provided further*, That no vacancies in the grade of warrant officer shall be filled until the number in such grade is reduced to 600, and thereafter the number shall not be increased above 600," and in lieu thereof to insert:

For pay of warrant officers, \$1,951,632: *Provided*, That no vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to 600, and thereafter the number shall not be increased above 600, and to effect such reduction warrant officers, upon their own application, may be placed on the unlimited retired list after 30 years' service and may compute for retirement such double time as they may have earned while serving as enlisted men: *Provided further*, That nothing contained herein shall prevent the appointment of qualified band leaders for authorized bands: *Provided further*, That no vacancies in the grade of warrant officer of the Army Mine Planter Service shall be filled until the number in such grade is reduced to 40, and thereafter the number shall not be increased above 40.

The amendment was agreed to.

The next amendment passed over was, on page 23, line 21, to increase the appropriation for aviation increase to officers of the Army from "\$846,000" to "\$1,021,840."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I may say that the amendments following from this point are all in accordance with the new pay bill, and also in accordance with the number of officers and the number of enlisted men as just determined by the Senate. It is entirely a mathematical proposition governed by statute.

The next amendment passed over was, on page 24, line 4, to increase the appropriation for additional pay to officers for length of service from "\$4,000,000" to "\$5,440,317."

The amendment was agreed to.

The next amendment passed over was, on page 24, after line 4, to strike out:

Pay of enlisted men: For pay of enlisted men of the line and staff, \$48,863,088. The Secretary of War is directed under such reasonable regulations as he may prescribe to grant applications for discharge of enlisted men serving in the continental United States with regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 115,000 enlisted men, not including the Philippine Scouts. The provisions of this paragraph shall take effect immediately upon the approval of this act.

And in lieu thereof to insert:

Pay of enlisted men: For pay of an average number of 133,000 enlisted men of the line and staff, not including the Philippine Scouts, \$60,981,795: *Provided*, That the total authorized number of enlisted men, not including the Philippine Scouts, shall be 140,000, and this number shall not be exceeded unless in emergency.

The amendment was agreed to.

The next amendment passed over was, on page 24, line 24, to increase the appropriation for pay of enlisted men of the Enlisted Reserve Corps from "\$100" to "\$7,500."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 2, to increase the appropriation for aviation increase to enlisted men of the Army from "\$150,000" to "\$216,000."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 2, to strike out the following proviso:

*Provided*, That this appropriation shall not be available for increased pay on flying status to more than 500 enlisted men.

The amendment was agreed to.

The next amendment passed over was, on page 25, line 11, to reduce the appropriation for additional pay for length of service to enlisted men from "\$4,500,000" to "\$2,235,043."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 13, to increase the appropriation for pay of officers on the retired list from "\$5,000,000" to "\$6,000,000."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 15, to reduce the appropriation for increased pay to retired officers on active duty from "\$207,560" to "\$44,533."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 16, to increase the appropriation for pay of retired enlisted men from "\$4,500,000" to "\$6,000,000."

The amendment was agreed to.

The next amendment passed over was, on page 25, line 18, to increase the appropriation for pay and allowances of retired enlisted men on active duty from "\$2,904" to "\$13,600."

The amendment was agreed to.

The next amendment passed over was, on page 26, line 3, before the words "at \$2,000 each," to strike out "5" and to insert "9"; in the same line, before the words "at \$1,800 each," to strike out "25" and to insert "40"; in line 4, before the words "at \$1,600 each," to strike out "44" and to insert "60"; in the same line, before the words "at \$1,400 each," to strike out "61" and to insert "80"; in line 5, before the words "at \$1,200 each," to strike out "95" and to insert "130"; in line 6, before the word "messengers," to strike out "80" and to insert "65"; and at the end of line 6 to strike out "\$382,400" and to insert "\$500,800"; so as to make the paragraph read:

Pay of Army field clerks and civil service messengers at headquarters of the several territorial departments, corps areas, Army and corps headquarters, territorial districts, tactical divisions and brigades, service schools, camps and ports of embarkation and debarkation: Army field clerks—9 at \$2,000 each, 40 at \$1,800 each, 60 at \$1,600 each, 80 at \$1,400 each, 130 at \$1,200 each; 65 messengers at \$720 each; in all, \$500,800.

The amendment was agreed to.

The next amendment passed over was, on page 26, after line 7, to strike out:

For additional pay while on foreign service, \$3,000.

The amendment was agreed to.

The next amendment passed over was, on page 26, after line 8, to strike out:

For commutation of quarters and of heat and light, \$97,000.

The amendment was agreed to.

The next amendment passed over was, on page 26, after line 10, to strike out:

For commutation of quarters and of heat and light for field clerks, Quartermaster Corps, \$75,021: *Provided*, That said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided further*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department.

The amendment was agreed to.



The next amendment passed over was, on page 26, after line 19, to insert:

No clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department.

The amendment was agreed to.

The next amendment passed over was, on page 26, line 24, after the word "pay," to insert "and allowances," so as to read:

Miscellaneous: For pay and allowances of contract surgeons, \$41,100.

The amendment was agreed to.

The next amendment passed over was, on page 27, line 1, to increase the appropriation for pay of nurses from "\$509,280" to "\$799,000."

The amendment was agreed to.

The next amendment passed over was, on page 27, line 2, to reduce the appropriation for pay of hospital matrons from "\$3,000" to "\$1,000."

The amendment was agreed to.

The next amendment passed over was, on page 27, after line 7, to strike out:

For commutation of quarters and heat and light to commissioned officers, warrant officers, members of the Nurse Corps, and enlisted men on duty at places where no public quarters are available, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty, \$4,250,000.

The amendment was agreed to.

The next amendment passed over was, on page 27, after line 13, to insert:

For rental allowances, \$6,097,644.

The amendment was agreed to.

The next amendment passed over was, on page 27, after line 14, to insert:

For subsistence allowances, \$5,551,978.

The amendment was agreed to.

The next amendment passed over was, on page 27, after line 18, to strike out:

For additional 10 per cent increase of pay of officers on foreign service, \$200,000.

The amendment was agreed to.

The next amendment passed over was, on page 27, after line 20, to strike out:

For additional 20 per cent increase of pay of enlisted men on foreign service, \$700,000.

The amendment was agreed to.

The next amendment passed over was, on page 28, line 1, after the name "Alaska," to insert "or remote posts in the United States"; so as to make the paragraph read:

For payment of exchange by officers serving in foreign countries and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department when serving in Alaska or remote posts in the United States, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$5,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to insert:

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund.

The amendment was agreed to.

Mr. WADSWORTH. There is one very small amendment of a corrective character at the bottom of page 62.

The VICE PRESIDENT. There is an amendment on the page preceding which has been passed over.

Mr. WADSWORTH. The Senator from Texas [Mr. SHEPPARD] is interested in that amendment; it relates to the experimentations in connection with helium gas.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 61, at the beginning of line 9, it is proposed to strike out "\$400,000" and to insert "\$300,000," so as to read

not exceeding \$300,000 may be expended for experimentation, conservation, and production of helium.

Mr. SHEPPARD. Mr. President, if I understand the situation correctly, the committee has recommended that the amount appropriated by the House, to-wit, \$400,000, be reduced to \$300,000.

Mr. WADSWORTH. For experimentations in connection with helium gas; yes.

Mr. SHEPPARD. Mr. President, I wish to submit to the Senate and to the Senator from New York that this is a case where it would be in the interest of economy to retain the amount appropriated by the House. The Army and the Navy share equally the expense involved in the production of helium gas. After looking into the matter thoroughly the Military Affairs

Committee of the House agreed to recommend an appropriation of \$400,000 and the Naval Affairs Committee of the House agreed to recommend an appropriation of a like amount, making \$800,000 in all for the next fiscal year.

I wish to say that helium is a noninflammable gas, and that we have a monopoly of that kind of gas in the United States. If the *Roma*, for instance, had been so constructed that it could have been inflated with helium gas instead of the ordinary gas, it would not have been consumed by fire. It was the destruction of the *Roma* that led the House committee to increase the appropriation for helium gas in order that we might secure as great an amount as possible. This led them to favor a larger amount than that originally estimated for.

The Government has expended to date about \$8,000,000 in an effort to manufacture helium gas. The principal plant for making this gas is located at Fort Worth, Tex. The source of helium is a helium-bearing gas, produced from wells at Petrolia, Tex., about 100 miles north of Fort Worth. To-day we have in storage about 2,400,000,000 feet of helium gas. This is the net result of \$8,000,000 expended for plants and experimentation. It is stored in metallic cylinders and will last for 20 or 30 years.

The helium content of the gas is extracted by a certain process which was discovered two or three years ago. The ordinary gas, which contains helium, is being transported by pipe line from the wells at Petrolia to Fort Worth, Tex., and other cities for commercial uses, and every day on which the helium is not extracted from this commercial gas means its permanent loss to that extent.

To-day the Fort Worth plant, representing an investment of millions, is idle. The amount of the gas from which helium can be obtained is limited. Therefore we are constantly losing quantities of this one item of national defense, of which the United States has a monopoly, by not making proper provision for the extraction of the helium element from the commercial gas as it passes by the plant at Fort Worth.

We expended \$500,000 last year in operating the plant at Fort Worth and produced about 2,000,000,000 feet of the helium gas. The representatives of the Bureau of Mines say that, with an appropriation of \$800,000, which will keep the plant continuously in operation for almost a year, we can produce 10,000,000,000 feet of the helium gas. Manifestly, Mr. President, it is in the interest of economy to follow the action of the House Naval Affairs Committee and the House Military Affairs Committee in appropriating \$400,000 each for the operation of this plant, and thus to produce 10,000,000,000 cubic feet of helium gas during the year to come instead of appropriating \$600,000 or \$700,000 and producing a far smaller amount. With \$500,000 we produced a bare 2,000,000,000 feet at Fort Worth last year.

We possess a monopoly of helium, and it ought not to be allowed to go to waste. The naval appropriation bill, as it comes from the House, carries an appropriation of \$400,000, the amount which is to be appropriated for the Navy's share of this non-inflammable gas. The \$400,000 appropriated by the House on the recommendation of the Military Affairs Committee of the House is the Army's share, and I suggest to the Senator from New York [Mr. WADSWORTH] that this arrangement ought to be carried out. I ask him if he will not agree to the restoration of the original amount.

Mr. WADSWORTH. Mr. President, I will say to the Senator from Texas that I have no authority to abandon the amendment on the part of the committee.

Mr. SHEPPARD. Then I ask for a vote, Mr. President. I believe it is in the interest of economy to restore the amount agreed to by the House Military Affairs Committee and the House itself.

Mr. LENROOT. Mr. President, is not the Senator mistaken in saying that the House Military Affairs Committee agreed to that? Was not that amount raised upon the floor of the House?

Mr. SHEPPARD. No; the House committee reported it in the House bill.

Mr. WADSWORTH. I think it was raised on the floor of the House.

Mr. LENROOT. My recollection is that it was raised upon the floor of the House, and I think the Senator will find that that is true.

Mr. SHEPPARD. If that be true, I will say to the Senator from Wisconsin it was agreed to by the House committee. The House committee did not resist it. It was after the *Roma* disaster that the House committee came to the conclusion—and the House, too, for that matter—that we ought to make every effort to conserve as much of this helium gas as possible.

Mr. LENROOT. This helium gas is not destroyed. It accumulates. It is not lost.

Mr. SHEPPARD. But it is being wasted every day that we do not extract it from the commercial gas.

Mr. LENROOT. That is true.

Mr. SHEPPARD. And there is only a limited amount of helium-bearing gas in existence.

Mr. LENROOT. Mr. President, I hope the amendment of the committee will prevail, reducing this amount \$100,000. Senators realize that even with the committee amendment we are proposing to spend next year \$600,000 for helium gas. It is a very serious question whether we will have use in the future for the gas that \$600,000 will product in addition to what we already have. The use of these very large Zeppelins is very questionable.

Mr. SHEPPARD. Does the Senator know how much we have now?

Mr. LENROOT. About 2,000,000 feet, as I recollect.

Mr. SHEPPARD. Two million four hundred thousand feet, and that is only enough to fill a ship like the *Roma* twice.

Mr. LENROOT. Yes; and we do not know yet whether we want any ships or not. It is all an experiment thus far.

Mr. SHEPPARD. We are building one at present, and we are to get one from Germany.

Mr. LENROOT. Yes; and if we have the same experience with those that we have had with the two already purchased by the United States we will never build another.

Mr. SHEPPARD. That is the point exactly. Those were destroyed because they did not have the noninflammable gas, or at least one of them was so destroyed.

Mr. LENROOT. Oh, no; the Senator is mistaken about that. They were not destroyed because of any such reason. One was destroyed because of defective construction. The other was not destroyed because of lack of helium gas.

Mr. SHEPPARD. The disaster to the *Roma* was due, as I understand, to the ignition of the gas.

Mr. LENROOT. Oh, it burned up after it was wrecked; yes.

Mr. SHEPPARD. No; my understanding was that it was due to the fact that it was filled with inflammable gas; but the point is, if we are going to continue to operate the plant, whether it is not economy to appropriate \$800,000, which will keep the plant going continuously for 10 months and produce 10,000,000 cubic feet of this gas, thereby preventing a continuous waste through failure to extract it from the commercial gas, or whether we should appropriate a smaller amount and produce a much smaller amount of gas.

Mr. LENROOT. Why does the Senator say that with \$600,000 we can produce only 2,000,000 feet, while with \$800,000 we can produce 10,000,000 feet?

Mr. SHEPPARD. Because that is what the testimony here shows; that with \$500,000 we produced but 2,000,000 feet approximately last year.

Mr. LENROOT. What can that possibly be based upon?

Mr. SHEPPARD. It is based upon the fact that when you once get the plant going and your personnel assembled, the longer you can operate it the greater will become the production.

Mr. LENROOT. I am satisfied that there can not be any such difference. The plant is in a going condition to-day, and all that it requires is the getting together of the personnel and the operating. I think \$600,000 is plenty to appropriate in a single year for helium gas, the use of which, except for balloons, is still questionable.

Mr. SHEPPARD. With an appropriation of \$500,000 we only produced 2,000,000 cubic feet last year. I was basing my calculation on that fact. I believe it would be in the interest of economy to keep in the military and naval appropriation bills the amounts which were put in them by the House. The Naval Affairs Committee has recommended \$400,000 for the Navy's share, and the House has put in the Army bill \$400,000 for the Army's share.

I ask for a vote upon the amendment.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I want to say to the Senator from New York that I shall endeavor to place facts before him which I believe will convince him that the \$400,000 should be retained in conference.

Mr. WADSWORTH. Very well.

Mr. President, on the bottom of page 62, on line 25, I ask that the word "other" be struck out after the word "such."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 62, line 25, after the word "such," it is proposed to strike out the word "other," so that it will read:

And such technical services as the Secretary of War—

And so forth.

The amendment was agreed to.

Mr. WADSWORTH. On the same line, after the word "technical," I ask that the words "and other" be inserted, so that it will read "and such technical and other services."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 62, line 25, after the word "technical," it is proposed to insert "and other."

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, that finishes the committee amendments to the bill.

Mr. NORRIS. Mr. President, by direction of the Committee on Agriculture and Forestry, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 132, after line 5, it is proposed to insert the following:

#### MUSCLE SHOALS.

For the continuation of the work on Dam No. 2 on the Tennessee River at Muscle Shoals, Ala., to be immediately available, \$7,500,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. LODGE. Mr. President, I have not considered in any way the merits of the amendment, but I should like to ask whether that is in order under the rule about amendments offered by another committee—I do not know the facts—whether or not it has been referred to the Committee on Appropriations one day before, as the rules, I think, require.

The PRESIDING OFFICER. The Chair has no information about it.

Mr. NORRIS. Mr. President, I was unable to hear the Senator from Massachusetts.

Mr. LODGE. I asked whether the amendment had been referred to the Committee on Appropriations one day before, as required by the rule.

Mr. NORRIS. Whether this amendment was so referred?

Mr. LODGE. Yes.

Mr. NORRIS. It was not.

Mr. LODGE. Section 2 of Rule XVI provides:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received—

And so forth.

Mr. NORRIS. Mr. President, I think the amendment is in order by virtue of the new rule—

Mr. UNDERWOOD. Mr. President, will the Senator allow me to ask a question? Do I understand that there is a point of order pending?

Mr. NORRIS. I did not understand that the Senator from Massachusetts made a point of order.

Mr. LODGE. I made an inquiry of the Chair. I did it because I did not know the facts.

The PRESIDING OFFICER. The Senator from Massachusetts propounded a parliamentary inquiry.

Mr. UNDERWOOD. I understand, but I wanted to know if there was a point of order pending. If no point of order is made, of course—

Mr. LODGE. I will make the point of order under the rule, because I think it ought to be settled. This amendment has not complied with the rule as I read it.

Mr. UNDERWOOD. I just wanted to know whether or not there was a point of order before we started to discuss it.

The PRESIDING OFFICER. There had not been, but there now is, as the Chair understands.

Mr. NORRIS. Mr. President, on the point of order, I think this amendment is in order under the new rule adopted by the Senate. As I understand, it is not in the manual yet. I am reading from the resolution as it was agreed to by the Senate:

Resolved, That clause 1 of Rule XVI of the standing rules of the Senate be amended so as to read as follows, to wit:

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law—

This is in order under that provision, as a matter of fact.

Or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate submitted in accordance with law.

This amendment is in order under two different clauses that I have read.



The PRESIDING OFFICER. Will the Senator permit the Chair to call his attention to the fact that what he has read is the new rule to be substituted for the first clause of Rule XVI?

Mr. NORRIS. Yes.

The PRESIDING OFFICER. But the point of order made by the Senator from Massachusetts, as the Chair understands, is made under the second clause of Rule XVI.

Mr. NORRIS. If the second clause of Rule XVI conflicts with the new rule, of course the new rule will take precedence.

The PRESIDING OFFICER. But the new rule amends only the first clause.

Mr. NORRIS. I understand that; but if the first clause then conflicts with the second clause, the first clause, being the last enactment, of course prevails.

I want to say to the Chair that this amendment is in order, as I have said, under two provisions: First, the rule says that no new amendment shall be offered unless—now, what are the exceptions? One of them is unless it be made to carry out the provisions of some existing law. That is true of this amendment. Under the national defense act provision was made for the development of the necessary power to make explosives in time of war and fertilizers in time of peace.

The President, under the act, was authorized to locate the place or places in the United States where that law should be carried out. In accordance with that act, the President, by official communication, selected Muscle Shoals as one of the places. This amendment is to carry out the provisions of that law. Under that law the particular dam to which this amendment applies was partially constructed. Under the law and under the designation of the President the dam known as No. 2, to which this amendment applies, was begun. Work was carried on, and \$17,000,000 were expended in carrying it on, and it is in that condition to-day, partially constructed.

It will take three years to develop it. It will take three times the amount of money that is provided by this particular amendment, if this applies to only one year. So under that provision the amendment I have offered is in order, even if it were not offered under the direction of a standing committee.

I think this rule is complete in itself, a new rule adopted after the other one was in force, and that the amendment was in order under the other provision as being moved by direction of a standing committee. The Committee on Agriculture and Forestry, which has had this matter under consideration for a great many weeks, have had very extended hearings on it and most of the committee made a personal inspection of the work itself, and after all of that consideration and deliberation unanimously directed the chairman of the committee to offer the amendment I have proposed.

It seems perfectly clear to me, therefore, that under either one of these provisions the amendment is in order. It is true I have not read the law to the Chair, but no one denies that that is the law. I had no idea that a point of order would be made against the amendment. In my office I have a copy of the official letter of President Wilson designating Muscle Shoals under the provisions of the national defense act. There can be no question about it, and therefore, Mr. President, no one will question but that the work there in contemplation, partially finished, is carrying out a provision of law directing the President of the United States to make this particular improvement.

Mr. LENROOT. Mr. President, I would like to call the Senator's attention to the language of what he says is the new rule. The part he read is merely a repetition of the old rule and does not change it in any particular.

Mr. NORRIS. Is the part I have read the same as the old rule?

Mr. LENROOT. It is a part of the old rule.

Mr. ROBINSON. I suggest to the Senator from Nebraska that while the point of order seems to be justified, it can easily be obviated if the Senate desires to do so, and I apprehend if the Senate is unwilling to do that it would not adopt the amendment upon a direct vote on it.

The provision of the rule which is invoked as rendering the amendment obnoxious at this time is as follows:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

If the point of order be sustained, the Senator can ask that his amendment be referred to the Committee on Appropriations, and then postpone final action upon the bill until another day, when consideration of the amendment will be in order.

Mr. NORRIS. Mr. President, I want to inquire of the Senator from Arkansas why this amendment is not in order under that provision of the rule providing that an amendment is in order

if it is proposed for the purpose of carrying out something authorized by law?

Mr. ROBINSON. I do not wish to put myself in the attitude of arguing against the position taken by the Senator from Nebraska, although in frankness I have stated that I am inclined to the opinion that the amendment at this time is obnoxious to the rule; but I will answer the Senator's question.

The same language is employed in the old rule as is used under this new rule, and paragraph 2 of the old rule, as I construe it in connection with paragraph 1, provided that even in case an amendment is proposed which is intended to carry out existing law, if it is moved by direction of a standing committee of the Senate, it must be proposed one day before it is considered. The object of the rule is manifest; to give the Appropriations Committee an opportunity of considering it, and of giving the Senate an opportunity also of becoming familiar with it.

The new rule does not change that in any particular, and clause 2, in my judgment, has the same force under the new rule that it had under the old rule. But, as I have already suggested, if the Senator decides to do so—and I am in sympathy with his purpose—he can accomplish his end by having the amendment referred to the Committee on Appropriations, and then by postponing further consideration of this bill until to-morrow, when the amendment may be considered.

Mr. NORRIS. If the Chair sustains the point of order I think I shall then offer the amendment as an individual. Paragraph 2 does not apply to an amendment offered by an individual Senator, even if the Senator's argument is correct, and it would be in order under that provision of the rule which makes it in order to offer an amendment to carry out a provision of law.

Mr. ROBINSON. I think the Senator could do that.

He can offer the amendment again in his own right, but it might be again held subject to a point of order.

Mr. LODGE. It is perfectly obvious that the course which the Senator from Arkansas has suggested can be pursued. Therefore, pressing this point of order would have no effect, except to delay, and I have no desire to delay the bill—far from it—and, as far as I am concerned, I withdraw the point of order.

Mr. ROBINSON. I made the suggestion because I thought that would be the result. I thought the Senator from Massachusetts would take that view of it when that situation was presented and withdraw his suggestion, and I thank him for doing it.

Mr. NORRIS. Mr. President, I do not care to take up the time of the Senate in debate on this amendment unless it becomes necessary. As far as I know, every Senator who has investigated this question is satisfied that this amendment ought to be adopted, and that this work ought to proceed. If there are any Senators who do not agree to that or think that some further explanation ought to be made, I am prepared to go on and give in detail a statement of the conditions down there.

Mr. LENROOT. Mr. President, I have to leave the Chamber in a moment, and I would like to make a short statement.

Mr. NORRIS. I yield the floor.

Mr. LENROOT. No. The Senator need not yield the floor, as I shall take just a moment. Heretofore I have opposed this appropriation, as the Senate well knows, and I based my opposition wholly upon the ground that as the situation then existed I was satisfied the Alabama Power Co. would be the only customer for this power. I am satisfied that the situation has now changed, and if this dam is completed there will be no difficulty in securing a fair price for the power, because there will be a sufficient demand for it. I shall therefore favor the appropriation.

Mr. NORRIS. I thank the Senator. I do not care to take up the time unless some one wants to ask me a question.

Mr. JONES of Washington. Mr. President, I would like to ask the Senator a question. I have not had an opportunity to look into the proposals which have been made to Congress by Mr. Ford and others. I do not know whether Mr. Ford's proposal should be accepted or not, but I wonder what effect the adoption of this amendment, if it shall become a part of the law, would have with reference to that proposition.

Mr. NORRIS. The question asked by the Senator from Washington is a very natural one. It is one which might occur to any Senator. Permit me to say, in answer to it, that there were quite a number of propositions made. Mr. Ford has made one, the Alabama Power Co. has made one, Mr. Engstrom has made one, and there are two or three others who have submitted offers. The committee has given a great deal of consideration to them. There will be a marked difference of opinion in the committee, to some extent, as to which of the propositions should be accepted, if any. There will very likely be a lengthy

discussion by Members of the Senate as to what our permanent policy there should be. There is plenty of opportunity for disagreement. That, however, is not involved now, and the committee are unanimous in this action, even though they disagree, as I think they will, as to these proposals. This will not interfere with anybody's proposition. It will not interfere with any bid that has been made. The only difference will be that, whatever bid is accepted, there will be a slight modification because of the additional money the Government of the United States puts into it, and in connection with all the bids, practically, but one, the Government would have to do all the building, anyway.

So those who are for one proposition or those who are for another; those who think the Alabama Power Co. ought to have it or somebody else ought to have it; those who think the Government ought to retain it, can all rest at ease in the knowledge that those questions will not be determined or jeopardized by this action. The matter will still be open and the committee figures that that question being such an important one, and the tariff bill being before the Senate and likely to take up most of the time, it would probably be a physical impossibility for the Congress to determine what the permanent policy should be, or whose offer, if anyone's, should be accepted.

As I said, the Government has spent \$17,000,000 there; they have a railroad clear across the river. They have all kinds of machinery there, mixing machinery, and all the necessary paraphernalia to go ahead with the work. All they need is the money to do it, and there is likely to be, and will be sooner or later, if we delay long enough, a loss of \$2,000,000 or \$3,000,000. The improvements there are not intended to be permanent. For instance, at one end of the dam there are 13 acres of the river bed surrounded by cofferdams. There are other places where temporary structures of that kind are made, other cofferdams, for the purpose of doing the work. If they should go out, or if the bridge on which the railroad crosses the river, only a temporary structure, of course, not intended to be permanent, should go out, a damage of perhaps \$2,000,000 or \$2,500,000 might occur at any time, and sooner or later will occur, because it is only temporary, and can not last very many years. It is not built to last.

So this particular appropriation, to permit the Government to go ahead, was agreed to unanimously. The officers of the Government who will have charge of the work are there now. The machinery is all there, the cars are there, the engines are there, the mixers are there, the machinery to put in the wheels and everything is stored there in sheds. It is all there, and it is really an economic crime to delay a moment in going ahead.

Mr. JONES of Washington. I understand the theory and the opinion of the Senator, and I suppose of the committee, is that this work will be done?

Mr. NORRIS. Yes.

Mr. JONES of Washington. Either by the Government, or by private parties under an arrangement with the Government, or in some other way, but that the great work there will be done and carried to completion, and that it is more economical, and in the interest of getting it done quickly, to make this appropriation and have the work go on now.

Mr. UNDERWOOD. Mr. President, I am not going to detain the Senate at this late hour. I think the situation with reference to Muscle Shoals and the testimony which has come before Congress has clearly demonstrated the fact that there is only one economical way to handle the question of that dam, and that is to finish it at the earliest possible moment. I say, without fear of contradiction, now that the testimony has been brought before the two Houses of Congress on the proposals which have been made to the Secretary of War, when we complete this dam it will be an asset in the hands of the Government worth every dollar expended, and if it is not completed there is \$17,000,000 lost in the river.

This does not settle the question as to how the Muscle Shoals Dam and project shall be disposed of. As to the dam itself there is a variance of views. If Mr. Ford's proposition comes before the Senate, I shall vote for it, but that question is not involved here now. I think it would be a waste of money and a waste of time for the Government to wait until we determine what we are going to do with the dam before we finish it. I think it will be a much better asset to dispose of if we proceed to finish it at once. Therefore I hope that the amendment of the Senator from Nebraska will be agreed to.

Mr. WILLIAMS. Mr. President, I was "just thinking," as the New England home comedy says, in my irresponsible sort of way, what would have become of the Henry Ford proposition for the Government of the United States to turn over the Muscle Shoals proposition at the high price set, if Henry Ford had been a standpat Republican instead of being

what he is. I am sorry that I can not even tell the Senate what he is. Sometimes I think that he is a Democrat, sometimes I think that he is a shade of Bolshevik, and sometimes I think that he does not himself know just what school of politics he belongs to. All the same, outside of his hatred of Jews, which is totally unjustified, he has been a remarkable man in his chosen occupation. No man has ever shown the genius for making money out of power and out of locomotives of one sort or another that Henry Ford has shown.

Unfortunately for him as a business proposition he happened to run against a very distinguished standpat Republican and happened to be apparently defeated by him, and there happened to be a trial in the Senate later on. The consequence was that the word passed around—I think more or less privately, somewhat spiritualistically—that whatever else happened, Henry Ford must not be allowed to make any money out of the United States Government. After that word passed around, the next argument or word from the standpatters was that Henry Ford was offering to take over an impossible proposition that would bankrupt him.

Of course, I know that the average standpatter did not have away back in the back of his head even that reason as the only reason, because I know that if he wanted to do anything in God's world it was to bankrupt Henry Ford. So all the arguments that have been made to the effect that Henry Ford could not carry out his contract and might be bankrupted are pure camouflage, not even of the scientific and coloristic variety that during the war zigzagged, but of the original variety of woodpecker that tried to hide its red head behind a green bower.

Now, Mr. President, seriously speaking, I think it is about time we quit this foolishness. Here is a proposition that the United States Government absolutely wanted to throw into the junk pile. There was expert advice to them that there was no money in it, and that the Government had better sever itself from it and divorce itself from it just as soon as possible. "No money in it, no possible money in it," no anything in it. It looked as if for a little while that the plant would be sold, like one of the transport ships built during the war, for about one-tenth the price that it cost. Then out comes a man, an exorcised man in certain circles, a man who succeeded in gaining the admiration of some men of tolerably good sense—he succeeded in gaining mine—who offers to take over the whole thing at a very high price, a price so high that part of the men who were fighting him say that it will bankrupt him and he can not make it pay. Then these two things come together and the consequence is that Henry Ford's Muscle Shoals proposition has been hanging fire for I do not know how many months—I think about 12 or 14, but I do not remember. The consequence of all that is that even a point of order was made a few moments ago.

There is something peculiar about a point of order. Nobody is sworn to observe the parliamentary law of any legislative body. A point of order in its making is within one's discretion. I have never known a point of order to be made by anybody, except one fool in the House about 21 years ago who thought he was a parliamentary sharp and made a point of order in order to prove that he knew, unless the mover of it wanted to defeat the main proposition. I have never known it to be made but once by a man who did not want to defeat the main proposition.

So we stand with the point of order made by the Republican floor leader and with the arguments that have been made in the press, without much argument in the Senate of one description or another. Of course, the object of a point of order was to keep from having a trial by the jury, and then when the point of order is withdrawn it merely means that the man who by analogy put a "demurrer" in the court has thought that he discovered that the court might decide against him, and therefore he had better withdraw it and go on the issue to the jury. This explains his withdrawal of it. Now, we have the issue before the jury on the first plea of the case, not the last one. I am sorry it is not the last one.

If there ever was, this is a case where a Government had on its hands a white elephant that was worthless, as its experts told it. Experts! Of all the contemptible words in the English language the word "expert" is the most contemptible. The experts said that it was a white elephant, and that it could neither work nor sell, and its political advisers told the Government not to regard Ford's proposition because "there was politics in the proposition."

This man undertakes to take over this plant and to work it out, and to give to the Government a certain amount of money at the risk of bankrupting himself—the experts say with a certainty of bankrupting himself, some of the standpat politicians say with a certainty of bankrupting himself, and some others say with a certainty of "profiteering" to an immense



amount at the expense of the United States Government. We can leave the profiteer pleader and the bankruptcy pleader discussing the matter with each other.

Here this man makes his offer. It has been hanging here, with expense accumulating, overhead and otherwise, while the Government has been losing money, some 14 months or more just simply because that man happened to have run upon a Democratic ticket in the State of Michigan for the Senate of the United States.

That is all. If you think you can fool the country about it you are vastly mistaken. There are fools in this country, and every now and then in a general election a majority of fools temporarily. You can fool a majority of them some of the time, but you can not fool a majority of them all the time, and as a rule you can not fool them over about three or four months after they have been fooled once, whether it was at a general election or otherwise.

I remember the great French author's work "J'accuse." I am not putting myself in his place, but I "charge" that the only reason in the world why the Ford proposition has not been accepted by both Houses of Congress in its former form, or in its present form, which is still more favorable to the Government, is because a majority of this body and a majority of the other body are Republicans and Ford is not. Now, mark you, I do not even say he is a Democrat, because according to my idea of democracy, according to my school of thought, he is not quite a Democrat. But he was at least a candidate against a standpat Republican of the old style in one State of this Union. After that he still further cultivated the standpat hatred by carrying on a contest in this body, a contest in the issue of which he had nothing to hope for, only that in his opinion the man who was not entitled to the seat should not be seated. That was all.

Oh, that there could be an appeal to the conscience of the standpat Republican Party. Of course, I realize that there can not be, but if there could be, I would appeal to it to-day to do something which would bring money into the Treasury at no expense to the Government, at a time when the Treasury is not working equal to the disbursements that go out of it day by day, threatened through bonus bills and other things with irretrievable bankruptcy—and here is a proposition to put money into the Treasury and help the Government and hurt nobody except, perhaps, Henry Ford, who may go bankrupt.

Let the proposition go through. All of you remember as well as I do the time when you considered Muscle Shoals as being on the junk pile, and that we might just as well pay somebody to take it over, and the Republican official reports show that that was the condition, and that was the congressional opinion. Then comes up a wild ass in the desert, Bolshevik, in the opinion of some of you, wild ass in the opinion of others of you, intermeddler and disturber of the peace of the Senate in the opinion of others of you, and says, "I will pay you a very large sum of money for that plant"; more money than the average man in a lifetime of 70 years of hard industry could earn to save his life; earned by a man with a peculiar genius for developing the use of motive power.

He is met by all sorts of obstruction in committee of the House of Representatives, and in the Senate itself, in committee here and in the House, and by points of order here and there. He is met by a little Democratic opposition, too, now and then. Somebody avers that his son was not loyal during the war. However, if the fellow is a wild ass of the desert, if he does not know what he is doing, and if he is a bad scamp of every description, then let him have the contract and pay the money into the Treasury and bankrupt himself, and let him go at that.

Are you not capable of that amount of magnanimity, at any rate, notwithstanding the fact that he was the author, that he was the gatherer together, call it, of evidence in a lately contested and very celebrated election case?

Mr. President, of course I am not appealing to the "standpat" conscience; no man of real knowledge ever appeals to a thing that is nonexistent, but I am appealing to the memory of the time when there was a "standpat" conscience, and I am also appealing to the common sense and political wisdom of the present standpatters, who, each and all, in view of the recent primaries in Indiana and Pennsylvania, are now rushing to deny that they are or ever were standpatters.

I tell you it would be better political wisdom for you to make the most that can be made out of this situation for the Government in a businesslike way, and to surrender your hatred of Henry Ford.

Mr. HARRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. I yield.

Mr. HARRIS. I do not think the Senator from Mississippi understands that this is merely an appropriation for the dam; that it has nothing whatever to do with the other features of the proposition, and will not interfere with any of the offers to lease the property. I feel sure that the Senate will vote for this appropriation and make the necessary beginning of this work.

Mr. WILLIAMS. I understand that thoroughly. The Senator is often mistaken when he undertakes to give the Senator from Mississippi a bit of information about what is going on. It is a question of the completion of the dam, but, if it is defeated, it affects the entire proposition. The Senator from Georgia knows that as well as I. This is the skirmish before the battle upon the question of Ford's undertaking the Muscle Shoals development project. Is not that true?

Oh, well, if the Senator from Georgia does not think so, I know that this is the opening skirmish; this is the firing on the picket line in connection with the larger proposition of allowing Henry Ford to develop the Muscle Shoals project. I know that as well as I know any situation, and he, with average intelligence, ought to know it.

SEVERAL SENATORS. Let us vote.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The READING CLERK. On page 14 it is proposed to strike out lines 14 to 21, inclusive, and to insert the following:

For the preparation, for historical purposes, of the following documents and information concerning officers and soldiers from the several States and the District of Columbia who were in the military service of the United States during the World War; and which The Adjutant General of the Army is hereby directed to furnish to the adjutant generals of the several States and the District of Columbia, \$250,000, to be immediately available.

(1) As to individuals—

(a) True and correct copies of the individual record cards of all officers and all enlisted or selected men, excepting such as have heretofore been so furnished; and

(b) A statement as to each officer or enlisted or selected man who died in the service, showing the place and date of death of such officer or man and the cause of death, whether by wounds, accident, or disease; and such statement shall be furnished in each case, irrespective of whether the individual record card of such officer or man has heretofore or is to be hereafter furnished: *Provided*, That in all such cases, if death occurred in a hospital, the name or number and location of such hospital shall appear; and if the death occurred in action or in the field, the official designation of such action, if any, together with the local designation of the place where the same occurred, shall appear.

(2) As to units—

(a) A tabulated statement showing the title of the organization; the race of the unit, white or Negro; the date it was authorized; its maximum strength; where and when mobilized or organized; and when it left the United States, if at all, for service overseas; its stations, assignments, and service, both in the United States and overseas, with the dates thereof, and appropriate remark as to combat or other service of importance; when returned to the United States; when and where demobilized, transferred, or otherwise discontinued as a distinct organization; and

(b) A tabulated statement showing the designation of each noncombat unit which formed a part of or was attached to any division or other tactical unit during the World War, and the dates of joining or relief therefrom, in such form as may be used as an addition to the histories of divisions and other tactical units heretofore furnished to the adjutant generals of the several States and the District of Columbia; *Provided*, That, for the purposes of this and the preceding paragraph, the term "overseas service" shall mean any service outside or beyond the continental limits of the United States, but in case the unit did not serve overseas its stations in the United States shall be given.

Mr. WADSWORTH. Mr. President, I am fairly familiar with the text of the amendment proposed by the Senator from Iowa, and other members of the committee have also had a view of it. If the other members of the committee do not object to the amendment, for one I am willing to accept it and see if we can thrash the matter out in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. WADSWORTH. I desire to offer one more amendment, and this will be my last proposal, Mr. President. I ask unanimous consent to insert on page 62, after line 15, the amendment which I send to the desk. Its effect will be to place the Aviation Service upon the same status as the other supply corps in the matter of making contracts for current needs.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The READING CLERK. On page 62, after line 15, it is proposed to insert:

Hereafter whenever contracts which are not to be performed within six months are made on behalf of the Government by the Chief of Air Service or by officers of the Air Service authorized to make them, and are in excess of \$500 in amount, such contracts shall be reduced

to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief of Air Service.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ORDER FOR RECESS.

Mr. LODGE. I ask unanimous consent that when the Senate concludes its session to-day it shall take a recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### RECLAMATION DEVELOPMENT WORK.

Mr. ASHURST. Mr. President, I have received a telegram, which I ask may be read. It relates to a pending bill.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The reading clerk read as follows:

ONTARIO, OREG., June 1, 1922.

Senator ASHURST,  
Senate Building, Washington, D. C.:

The Ontario (Oreg.) Chamber of Commerce sends you a vote of thanks for your stand in demanding that the Smith-McNary bill be passed at this session. We hope you will not let them adjourn until they do so. The following is a copy of the telegram we are sending to-day to President Harding:

"Hon. WARREN G. HARDING,  
White House, Washington, D. C.:

"The hopes of the West are centered upon the passage of the Smith-McNary bill which has been held up by Congress. May we not ask you to exert your influence with Congress to help in the passage of this bill at this session. Ten million people in the West are requesting this to be done as part of the Republican platform. The passage of this measure will mean 1,000,000 new homes in the West on lands and in towns, will stimulate business all over the United States, and give employment to thousands of men. We ask your help in getting action at this session."

ONTARIO COMMERCIAL CLUB.

Mr. ASHURST. Mr. President, in connection with the telegram I wish to say that the McNary-Smith irrigation bill has been reported favorably from the Committee on Irrigation and Reclamation. I spoke a few words upon it some days ago, but I ought to say, in view of the telegram which has just been read, that the chairman of the committee, the senior Senator from Oregon [Mr. McNARY], has done everything within human power to advance the bill. I am sure that no one could have done more. I wish again to express the hope that the gavel will not be allowed to fall in either House, bringing about final adjournment of the present session of Congress, until that bill shall have been passed.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 6 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, June 3, 1922, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate June 2 (legislative day of April 20), 1922.*

##### UNITED STATES ATTORNEY.

Lewis P. Summers, of Virginia, to be United States attorney, western district of Virginia, vice Thomas J. Muncey, deceased.

##### UNITED STATES MARSHAL.

Frank T. Newton, of Michigan, to be United States marshal, eastern district of Michigan, vice Henry Behrendt, term expired.

#### APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY.

##### ADJUTANT GENERAL'S DEPARTMENT.

Col. Joseph Wheeler, jr., Coast Artillery Corps, with rank from June 22, 1920.

Col. Charles Higbee Bridges, Infantry, with rank from July 1, 1920.

Col. Ralph Brewster Parrott, Infantry, with rank from December 23, 1920.

Lieut. Col. George Luther Hicks, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. David Yulee Beckham, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. John Fleming Clapham, Infantry, with rank from November 26, 1921.

Maj. Stuart Ainslee Howard, Infantry, with rank from July 1, 1920.

Maj. Hugh Lawson Walthall, Infantry, with rank from July 1, 1920.

Maj. John Buchanan Richardson, Infantry, with rank from July 1, 1920.

Maj. Clarence Andrew Mitchell, Coast Artillery Corps, with rank from July 1, 1920.

Maj. William Torbert MacMillan, Infantry, with rank from July 1, 1920.

Maj. Henry Newbold Sumner, Coast Artillery Corps, with rank from July 1, 1920.

Maj. James Sylvester Mooney, Cavalry, with rank from July 1, 1920.

Maj. Walter Cyrus Gullion, Infantry, with rank from July 1, 1920.

Maj. Frank Cornelius Reilly, Infantry, with rank from July 1, 1920.

Capt. Charles Clement Quigley, Infantry, with rank from July 1, 1920.

#### POSTMASTERS.

##### ARKANSAS.

Nan E. De Yampert to be postmaster at Wilnot, Ark., in place of B. H. Harper, not commissioned.

##### CALIFORNIA.

Earl C. McWayne to be postmaster at Firebaugh, Calif. Office became presidential April 1, 1922.

##### COLORADO.

Thomas E. Downey to be postmaster at Ordway, Colo., in place of S. P. Ilgenfritz. Incumbent's commission expired January 17, 1920.

##### CONNECTICUT.

Francis W. Chaffee, jr., to be postmaster at Eagleville, Conn., in place of J. W. Green, resigned.

Walfred C. Carlson to be postmaster at Washington Depot, Conn., in place of W. C. Carlson. Incumbent's commission expired April 30, 1922.

##### GEORGIA.

William M. Redman to be postmaster at Jackson, Ga., in place of Bessie Waldrop. Incumbent's commission expired April 8, 1922.

##### ILLINOIS.

Daisy F. Lynk to be postmaster at Mokena, Ill. Office became presidential July 1, 1921.

Luella H. McCoid to be postmaster at Venice, Ill. Office became presidential July 1, 1920.

William A. Kelley to be postmaster at Jonesboro, Ill., in place of J. C. Crawford. Incumbent's commission expired August 7, 1921.

Nelson H. Webster to be postmaster at Naperville, Ill., in place of E. M. Dieter, resigned.

##### INDIANA.

Hugh A. Fenters to be postmaster at Macy, Ind. Office became presidential January 1, 1921.

Clarence E. Sparling to be postmaster at Osgood, Ind., in place of O. R. Jenkins, resigned.

##### IOWA.

Henry L. Shaffer to be postmaster at Crawfordsville, Iowa. Office became presidential January 1, 1921.

John Geiger to be postmaster at Minden, Iowa. Office became presidential January 1, 1921.

Gust A. Hall to be postmaster at Colo, Iowa, in place of W. F. Bales. Incumbent's commission expired March 16, 1921.

##### KENTUCKY.

Ward H. Metcalfe to be postmaster at Brooksville, Ky., in place of H. H. Poage. Incumbent's commission expired February 4, 1922.

Carl H. Boone to be postmaster at Leitchfield, Ky., in place of E. W. McClure, resigned.

Tom H. Brown to be postmaster at Millersburg, Ky., in place of J. B. Cray. Incumbent's commission expired February 14, 1922.

##### LOUISIANA.

John F. Basty to be postmaster at Destrehan, La. Office became presidential January 1, 1922.

David S. Leach to be postmaster at Florien, La. Office became presidential January 1, 1921.



Louis P. Bourgeois to be postmaster at Gramercy, La. Office became presidential April 1, 1921.

Claud Jones to be postmaster at Longleaf, La. Office became presidential January 1, 1921.

Weston W. Muse to be postmaster at Lottie, La. Office became presidential January 1, 1921.

Nelle Masten to be postmaster at Woodworth, La. Office became presidential January 1, 1921.

Marion H. Page to be postmaster at Fullerton, La., in place of M. H. Page, resigned.

Otis Waguespack to be postmaster at St. Patricks, La., in place of F. J. Bourgeois. Incumbent's commission expired January 31, 1922.

## MINNESOTA.

Marie D. Anderson to be postmaster at Carlos, Minn. Office became presidential April 1, 1922.

## MONTANA.

Rudolph P. Petersen to be postmaster at Rudyard, Mont., in place of R. P. Petersen. Incumbent's commission expired May 20, 1922.

## NEW YORK.

Albert C. Stanton to be postmaster at Atlanta, N. Y. Office became presidential October 1, 1920.

## NORTH CAROLINA.

Chester C. Lord to be postmaster at Montreat, N. C., in place of A. R. Bauman. Incumbent's commission expired March 16, 1921.

## NORTH DAKOTA.

Jacob Omdahl to be postmaster at Galesburg, N. Dak. Office became presidential April 1, 1922.

## OHIO.

Ferne V. Boone to be postmaster at Sterling, Ohio. Office became presidential October 1, 1921.

James M. Light to be postmaster at Greenville, Ohio, in place of A. H. Meeker, deceased.

## OKLAHOMA.

Elmer E. Heady to be postmaster at Gate, Okla. Office became presidential January 1, 1921.

Louia M. Amick to be postmaster at Jefferson, Okla. Office became presidential July 1, 1920.

Cora E. Morris to be postmaster at Manchester, Okla. Office became presidential January 1, 1920.

## PENNSYLVANIA.

Reuben J. Knox to be postmaster at Rutledge, Pa. Office became presidential July 1, 1921.

Daniel Jones to be postmaster at Coaldale, Pa., in place of Edward Cavanaugh. Incumbent's commission expired July 25, 1920.

George E. Baldwin to be postmaster at Hastings, Pa., in place of P. V. Abel, resigned.

Andrew L. Coffman to be postmaster at Phoenixville, Pa., in place of J. A. Hartman, removed.

Florence H. Gray to be postmaster at Rosemont, Pa., in place of J. C. McDowell, deceased.

James A. Woodward to be postmaster at Shinglehouse, Pa., in place of F. H. Failing, resigned.

## SOUTH CAROLINA.

Andrew L. Dickson to be postmaster at Calhoun Falls, S. C. Office became presidential July 1, 1920.

Samuel W. Parks to be postmaster at Fort Mill, S. C., in place of B. H. Massey, resigned.

## TENNESSEE.

Frank J. Nunn to be postmaster at Brownsville, Tenn., in place of William Thomas. Incumbent's commission expired February 4, 1922.

## TEXAS.

Claud C. Morris to be postmaster at Rosebud, Tex., in place of H. C. Connally, resigned.

Clinton J. Farrell to be postmaster at Vernon, Tex., in place of J. V. Townsend, resigned.

## VIRGINIA.

Charles L. Horne to be postmaster at Glade Spring, Va., in place of A. T. Hull, resigned.

William J. Crockett to be postmaster at Graham, Va., in place of W. C. Greever, resigned.

## WASHINGTON.

Lillian M. Tyler to be postmaster at Brewster, Wash., in place of L. A. Dale, resigned.

Matthew E. Morgan to be postmaster at Lind, Wash., in place of M. C. Hayden. Incumbent's commission expired April 16, 1922.

## WEST VIRGINIA.

Harvey A. Henderson to be postmaster at Minden, W. Va. Office became presidential October 1, 1920.

Edward E. Reyburn to be postmaster at Vivian, W. Va., in place of E. E. Reyburn. Incumbent's commission expired April 30, 1922.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 2 (legislative day of April 20, 1922).*

## UNITED STATES MARSHAL.

Albert W. Harvey to be United States marshal, district of Vermont.

## PROMOTIONS IN THE NAVY.

*To be ensigns.*

Harold L. Fudge.  
William H. Egan, jr.  
Carl R. Brown.  
Beverly M. Coleman.

## POSTMASTERS.

## CONNECTICUT.

Henry F. Hanmer, Wethersfield.

## GEORGIA.

William D. Lynn, Collins.  
Jett M. Potts, West Point.

## NEW JERSEY.

Matilda M. Hodapp, Spotswood.

## NEW YORK.

Frederick Theall, Hartsdale.  
Clarence M. Herrington, Johnsonville.  
Fannie E. Rooney, Schroon Lake.

## NORTH CAROLINA.

Orin R. York, High Point.

## PENNSYLVANIA.

Otto W. Petry, Elk Lick.

## SOUTH CAROLINA.

George F. Wilson, Darlington.

## TEXAS.

Charley R. Jamison, Boyd.  
Bert J. McDowell, Del Rio.  
Fred C. Davis, Harrisburg.  
Daisy M. Singleton, Marble Falls.  
Henry E. Cannon, Shelbyville.  
Ada A. Ladner, Yorktown.

## VERMONT.

Marion C. White, Cavendish.

## WITHDRAWALS.

*Executive nominations withdrawn from the Senate June 2 (legislative day of April 20), 1922.*

## PROMOTIONS IN THE ARMY.

*To be captains.*

First Lieut. Edwin Phillip Hart, Coast Artillery Corps, from November 27, 1921.

First Lieut. Leonard Louis Davis, Coast Artillery Corps, from November 27, 1921.

First Lieut. Harold Leo Stiebel, Coast Artillery Corps, from November 29, 1921.

First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps, from December 1, 1921.

First Lieut. Merle Halsey Davis, Ordnance Department, from December 4, 1921.

First Lieut. George Berry Dobyns, Coast Artillery Corps, from December 4, 1921.

First Lieut. Henry Devries Cassard, Coast Artillery Corps, from December 9, 1921.

First Lieut. Edward Hanson Connor, jr., Infantry, from December 10, 1921.

First Lieut. Neal Creighton, Air Service, from December 11, 1921.

First Lieut. George Peter Toft, Quartermaster Corps, from December 15, 1921.

First Lieut. Alonzo Maning Drake, Air Service, from December 16, 1921.

First Lieut. Charles Raymond Melin, Air Service, from December 16, 1921.

First Lieut. Victor Herbert Strahm, Air Service, from December 16, 1921.

First Lieut. Robert Jesse Whatley, Infantry, from December 18, 1921.

First Lieut. Waldo Sebastian Ickes, Finance Department, from December 18, 1921.

First Lieut. Ira Robert Koenig, Air Service, from December 19, 1921.

First Lieut. Harry Allen Sanford, Philippine Scouts, from December 22, 1921.

First Lieut. Earl Wells, Philippine Scouts, from December 22, 1921.

First Lieut. Raynor Garey, Field Artillery, from December 22, 1921.

First Lieut. Philip Schneeberger, Air Service, from December 23, 1921.

First Lieut. Gouverneur Hoes, Infantry, from December 24, 1921.

First Lieut. Victor Schmidt, Coast Artillery Corps, from December 24, 1921.

First Lieut. George Franklin Parris, Air Service, from December 24, 1921.

First Lieut. Fred Bidwell Lyle, Field Artillery, from December 25, 1921.

First Lieut. Karl Shaffner Axtater, Air Service, from December 26, 1921.

First Lieut. Clinton Bowen Fisk Brill, Quartermaster Corps, from December 28, 1921.

First Lieut. William Joseph Flood, Air Service, from December 28, 1921.

First Lieut. Francis Dundas Ross, jr., Infantry, from December 30, 1921.

First Lieut. Frank Edward Monville, Quartermaster Corps, from January 1, 1922.

First Lieut. George Merrill Palmer, Air Service, from January 1, 1922.

First Lieut. Charles Rawlings Chase, Cavalry, from January 2, 1922.

First Lieut. Loren Francis Parmley, Cavalry, from January 4, 1922.

First Lieut. Erle Fletcher Cress, Cavalry, from January 4, 1922.

First Lieut. Lynn Packard Vane, Coast Artillery Corps, from January 6, 1922.

First Lieut. John Austin Pixley, Coast Artillery Corps, from January 7, 1922.

First Lieut. Otta Marshall, Coast Artillery Corps, from January 8, 1922.

First Lieut. Edwin Cleveland Callicutt, Coast Artillery Corps, from January 9, 1922.

First Lieut. Ray Harrison Green, Quartermaster Corps, from January 11, 1922.

First Lieut. Hugh Williamson Rowan, Chemical Warfare Service, from January 12, 1922.

First Lieut. Russell William Goodyear, Quartermaster Corps, from January 12, 1922.

First Lieut. Lewis Rinehart Pfoutz Reese, Air Service, from January 15, 1922.

First Lieut. Byron Turner Burt, jr., Air Service, from January 21, 1922.

First Lieut. Earle Gene Harper, Air Service, from January 28, 1922.

First Lieut. Philip Gilstrap Bruton, Corps of Engineers, from January 29, 1922.

First Lieut. Eugene Joseph Minarelli FitzGerald, Infantry, from January 31, 1922.

First Lieut. Charles Earl Whitney, Ordnance Department, from February 5, 1922.

First Lieut. Lotha August Smith, Air Service, from February 5, 1922.

First Lieut. Edward Higley Guilford, Air Service, from February 11, 1922.

First Lieut. Junius Augustus Smith, Air Service, from February 22, 1922.

First Lieut. William Henry Carthy, Air Service, from February 22, 1922.

First Lieut. Horace Leland Porter, Corps of Engineers, from February 22, 1922.

First Lieut. Arthur Leo Lavery, Coast Artillery Corps, from February 22, 1922.

(The resignation of First Lieut. Edwin Philip Hart, Coast Artillery Corps, May 25, 1922, necessitates the removal of his name from the nomination list and causes a change in the vacancies for all first lieutenants junior to him who have been nominated for promotion.)

First Lieut. Ernest Andrew Thompson, Signal Corps, from February 22, 1922.

First Lieut. William Andrew Gray, Air Service, from February 22, 1922.

First Lieut. Franz Joseph Jonitz, Quartermaster Corps, from February 24, 1922.

First Lieut. William Valery Andrews, Air Service, from February 24, 1922.

First Lieut. George Stetekluh, Quartermaster Corps, from February 25, 1922.

First Lieut. Frank Marion Barrell, Quartermaster Corps, from February 28, 1922.

First Lieut. Stanton Higgins, Cavalry, from February 28, 1922.

First Lieut. Holden Spear, Quartermaster Corps, from February 28, 1922.

First Lieut. Frank Merrill Bartlett, Air Service, from March 2, 1922.

First Lieut. Benson Glenwood Scott, Field Artillery, from March 2, 1922.

First Lieut. Redding Francis Perry, Cavalry, from March 2, 1922.

First Lieut. Walter Arthur Metts, jr., Field Artillery, from March 5, 1922.

First Lieut. Frank Camm, Field Artillery, from March 6, 1922.

First Lieut. Robert Morgan Burrowes, Infantry, from March 7, 1922.

First Lieut. Richard Oscar Bassett, jr., Infantry, from March 9, 1922, subject to examination required by law.

First Lieut. Percy Stuart Lowe, Coast Artillery Corps, from March 12, 1922.

First Lieut. Lewis Alonzo Murray, Corps of Engineers, from March 14, 1922.

First Lieut. Rene Edward de Russy, Coast Artillery Corps, from March 23, 1922.

First Lieut. Marion Gardner Putnam, Air Service, from March 27, 1922.

First Lieut. Clyde Grady, Infantry, from March 29, 1922.

First Lieut. Walter Drake Williams, Air Service, from March 29, 1922.

First Lieut. William Henry Payne, Quartermaster Corps, from April 1, 1922.

First Lieut. Thomas Tilson Conway, Infantry, from April 2, 1922.

First Lieut. Edgar Ambrose Jarman, Infantry, from April 4, 1922.

First Lieut. Regeon Victor Love, Coast Artillery Corps, from April 5, 1922.

First Lieut. Svening Johannes Bang, Cavalry, from April 6, 1922.

First Lieut. Allan Sheldon Willis, Infantry, from April 6, 1922.

## HOUSE OF REPRESENTATIVES.

FRIDAY, June 2, 1922.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, for all encouragements that make us more hopeful, we bless Thee; for all loving messages and glad surprises, we thank Thee; for sincere friendships that mean trust and confidence, we praise Thee, and for all the little joys and sweet blessings that come to us through the hours of each day we are grateful to Thee. Strengthen us by daily communications of truth and wisdom and always may our fidelity to duty be without hesitation. Subdue and restrain all evil passions. May there be the enjoyment of fellowship and the exercise of high and just desire among our fellow citizens, and may hate be a bitterness unknown. O make the whole earth glad with a new song, young with a new spring, and alive with a new hope. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

### EXTENSION OF REMARKS.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. J. Res. 337, with respect to the port of New York.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. APPLEBY. Mr. Speaker and colleagues, I appreciate your courtesy in permitting me to extend my remarks in the



CONGRESSIONAL RECORD on the important resolution known as House Joint Resolution No. 337, for the development and administration of the port of New York. The first resolution introduced on this subject—House Joint Resolution No. 172—was passed by the House and the Senate, and signed by President Harding last August. At that time I had the pleasure of speaking in favor of the resolution. Since the passage of that resolution both the State of New York and the State of New Jersey have adopted a comprehensive plan for the development of the port of New York. I quote from the report on the resolution as follows:

Historically, geographically, and commercially, New York and the industrial districts in the northern part of New Jersey constitute a single unit, a great metropolitan district of 8,000,000 people. The port of New York, with its three entrances, 800 miles of water front, 12 railroads (exclusive of local transit lines) entering the port, a terminus for nearly all of the more important trans-Atlantic lines, not only concerns the people of the two States but constitutes an asset of the entire Nation. The necessity of creating the port district and authorizing the creation of the port authority is manifest from the fact that over 40 municipalities are involved, some of them controlled by men of divergent views and many of them working at cross-purposes and in the dark. The port of New York is one of the main arteries and principal gateways between the United States and the markets of the world, and any improvement to the port of New York will work a benefit to the entire Nation. Concededly, the terminal facilities at the port are grossly inadequate, mainly due to the lack of cooperation between the two States of New York and New Jersey. It is submitted that a unified authority and control will bring order out of chaos and afford a blessing not only to the contiguous municipalities but also to the country at large.

In a letter addressed to the chairman of the Judiciary Committee under date of June 30, 1921, in regard to the resolution, Hon. John W. Weeks, Secretary of War, says:

The adequate improvement and development of port facilities at New York is a deserving enterprise, and if the work is accomplished on the comprehensive plan of cooperation contemplated by the two States it will doubtless result in benefit to the transportation interests of the entire Nation. I recommend, therefore, that Congress give its consent to the agreement.

Since House Joint Resolution No. 172 was passed legislation for the improvement of New York Harbor and its adjacent waters has been enacted by this body, namely, the authorization of a 30-foot channel extending from Sandy Hook through Raritan Bay to Perth Amboy, then through Arthur Kill and Kill Van Kull to upper New York Bay. In addition to this an appropriation was approved by both the House and the Senate for additional aids to navigation in Raritan Bay and by lighting these waters at night, giving traffic over them a full 24-hour service. The War Department is now making inquiries as to the advisability of recommending to Congress the adoption of a project for deepening the channel of the Raritan River, that adequate water transportation facilities may be afforded the industrial establishments lining its banks.

The discussion in regard to these projects has brought to the attention of the public as never before the tremendous possibilities of the port of New York. The State of New Jersey, by its natural advantages, will be the outlet for the many railroads now having terminal stations there, and the development of the same is fully comprehended in the plan of the Port of New York Authority. Public interest has been aroused in this great project and many municipalities have held meetings to indorse the movement. The magnitude of the project is appealing to the enterprising citizens of the State, and they are giving practically their unanimous indorsement to this great waterways and transportation undertaking.

I feel sure, fellow Members, you have made no mistake in voting for this joint resolution.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following House Concurrent Resolution No. 47:

*Resolved by the House of Representatives (the Senate concurring), That 100,000 copies of the report of the special mission on investigation to the Philippine Islands to the Secretary of War, without the map but with the data on the Philippines proceeding and accompanying such report, be, and the same is hereby, ordered printed as a public document, to be distributed as follows: Sixty-five thousand through the document room of the House, 25,000 through the document room of the Senate, 5,000 through the Committee on Insular Affairs of the House, and 5,000 through the Committee on Territories and Insular Possessions of the Senate.*

The message also announced that the Senate had passed with amendments the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3416. An act to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River.

S. J. Res. 171. Joint resolution granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

#### ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11408. An act granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River, in said town of Rockton; and

H. R. 11409. An act granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3416. An act to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River; to the Committee on Interstate and Foreign Commerce.

#### REPAIR OF LEVEES ON MISSISSIPPI RIVER ABOVE CAIRO, ILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 339, making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill., which I send to the desk and ask to have read.

The Clerk read the resolution, as follows:

*Resolved, etc., That an amount, not exceeding \$100,000, of the funds authorized to be expended by Public Res. No. 54, approved May 2, 1922, is hereby made available as an emergency fund to be expended by the Mississippi River Commission, under the direction of the Secretary of War, for repairing and restoring any levees on the Mississippi River above Cairo, Ill., which have been destroyed or seriously injured by the recent floods of the Mississippi River, and which are not now within, but may, before June 15, 1922, be brought within, the provisions of the Act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, and for other purposes," approved March 1, 1917: *Provided*, That if the Mississippi River Commission finds that the levee or drainage district in which the broken levee is situated can not legally, by or before June 15, 1922, comply with section (b) of such act of March 1, 1917, the commission may accept, in this emergency, bonds of standing approved by it in amount sufficient to cover not less than one-third of the cost involved: *Provided further*, That nothing in this resolution shall be construed as authorizing a departure from the established practice of the commission except so far as may be necessary to permit the restoration of broken levees in districts which are willing but can not legally comply with said method of procedure in time to avoid another threatened overflow this year.*

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I wish the gentleman would make a statement and answer one or two questions which I would like to ask in respect to the necessity for the resolution.

Mr. MADDEN. Mr. Speaker, the necessity for action in this matter was presented to the committee by reference to it of House Joint Resolution 326, introduced by Representative DENISON, of Illinois, calling for an appropriation of \$1,000,000. Two relief measures have been approved for levee protection and repair work in connection with the recent unusual and disastrous floods on the Mississippi River and its tributaries. Public Resolution No. 50, approved April 21, 1922, appropriated \$1,000,000 to be expended by the Mississippi River Commission on levees under its jurisdiction and falling within the scope of the flood control act of March 1, 1917; this amount to be deducted from the regular appropriation for that purpose in the pending War Department appropriation bill, and in practical effect amounted only to an advance of \$1,000,000 of next year's money for Mississippi River flood control. Public Resolution No. 54, approved May 2, 1922, made not to exceed \$200,000 of funds heretofore appropriated for river and harbor work, and unexpended because the projects have been completed or abandoned, available for protecting life and property by preserving and maintaining during the present flood emergency levees not under Government control on the Mississippi River, its tributaries and outlets.

The allotments made by the Chief of Engineers from the \$200,000 fund aggregate approximately \$70,000, leaving an unallotted balance of \$130,000. The accompanying joint resolu-

tion makes not to exceed \$100,000 of the foregoing sum of \$200,000 available for repairing and restoring levees on the Mississippi River above Cairo, Ill. The levees which the resolution provides for fall within the scope of the flood control act of March 1, 1917, but the levee districts in which they are located have not heretofore elected to take advantage of the provisions of the act, but they are going to now.

Mr. WALSH. I have read the substance of that in the report, and it is a very concise statement of the situation, but I want to know what there is about Public Resolution 54 which makes necessary this legislation. That made available \$200,000 from the funds heretofore appropriated for rivers and harbors, which were unexpended because the project had been abandoned and not completed. That was available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the purpose of protecting life and property by preserving and maintaining during the "present flood emergency," the levees not under Government control on the Mississippi River, its tributaries and outlets. These levees come under that classification.

Mr. MADDEN. The levees proposed to be provided for in the resolution here are to come under the jurisdiction of the Flood Control Commission, and instead of appropriating money with which to meet the emergency under the act, we are diverting \$100,000 of the \$200,000 already made available, which is not to be used for other purposes, in order that this very necessary and urgent work may proceed.

Mr. WALSH. I know, but why do they not go ahead and proceed with the matter? They have authority under existing law.

Mr. HUMPHREYS. Oh, no; because the flood emergency has passed. They were authorized under that Resolution 54 to expend it during "the present flood emergency." And that has passed and did pass before they ever expended a single dollar of it.

Mr. MADDEN. The June floods are likely to be coming down in the territory embraced within the provisions of this resolution at any time, and if this resolution is not made effective so that they may be able to take advantage of the situation before the 15th of June, we are liable to have a very great emergency that may call for a large sum of money. This is to be expended only on the condition that those levees affected or the districts affected will come within the provisions of the flood-control act.

Mr. WALSH. Do I understand from the gentleman from Illinois that there was no flood emergency at the time his colleague introduced the resolution calling for an appropriation of \$1,000,000?

Mr. MADDEN. There was; but in order to take advantage of the situation that always comes in June, when the second flood never fails to arrive, it was proposed to meet that situation by an appropriation of this nature, pending in the resolution.

Mr. WALSH. Then, the present flood emergency is continuing?

Mr. MADDEN. No; the flood emergency which was provided for in the former resolution was on the lower stretch of the river and has passed, and has been provided for, but the upper stretch of the river is the place where the June floods always come, and I may say in this connection that they were affected also by the floods that have occurred.

Mr. WALSH. How many more of these resolutions and how many more of these floods and high waters are we going to have which must be taken care of?

Mr. MADDEN. I very much hope we will not have any more resolutions, and I sincerely trust the Lord will prevent us having any more floods, but unfortunately we can not control that situation as much as we would like to do it.

Mr. CHALMERS. Will the gentleman yield?

Mr. MADDEN. The gentleman from Massachusetts has the floor.

Mr. WALSH. I will yield to the gentleman.

Mr. CHALMERS. I would like to ask the chairman of the committee, under authority of this resolution, if the \$70,000 already expended—

Mr. MADDEN. Allotted.

Mr. CHALMERS. Well, expended?

Mr. MADDEN. It has not all been expended, but it has met the situation and is meeting the situation.

Mr. CHALMERS. That is, the flood-control crisis?

Mr. MADDEN. Yes; but not in this particular locality.

Mr. CHALMERS. I would like to ask another question. I would like to ask the gentleman why he did not appropriate in his bill the balance of the \$130,000 for this purpose?

Mr. MADDEN. The reason why we did not do it is this: In the first place, out of the \$200,000 already appropriated there has only been allotted \$70,000. While the resolution on which we acted called for a million dollars, the evidence disclosed the fact that only \$52,000 would be needed to meet the situation; but lest there might be an emergency we could not foresee and nobody could realize, we made available by this resolution \$100,000 to do what the Chief of Engineers said would cost \$52,000. If they do not need as much as \$100,000, they will not expend it.

Mr. TOWNER. Will the gentleman yield?

Mr. WALSH. I will yield.

Mr. TOWNER. I desire to call the attention of the gentleman from Illinois to the provisions of the joint resolution, which says that this emergency fund to be expended on the Mississippi River under the direction of the Secretary of War is now being used for repairing and restoring any levees on the Mississippi River above Cairo, Ill., which have been destroyed or seriously injured by the recent floods of the Mississippi River, so of course this money could not have been used until after it occurred.

Mr. MADDEN. No; the repair work could not have been done until now.

Mr. TOWNER. And it is because of the fact these levees have been repaired since the other emergency came, and anticipating the June flood, that you desired to use this fund for the purpose of repairing them?

Mr. MADDEN. And put these levee districts under the control of the Mississippi River Commission.

Mr. TOWNER. That is my understanding.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the joint resolution.

Mr. MADDEN. I yield the gentleman from Illinois [Mr. DENISON] five minutes.

Mr. DENISON. Mr. Speaker, I want to make just a brief statement which I think possibly will clear up the confusion in the mind of my friend from Massachusetts. The first million dollars which was appropriated by the resolution of April 21 contained this language:

For the purpose of preserving, protecting, and repairing the levees under its jurisdiction.

Now, the Mississippi River Commission who had charge of the expenditure of this money interpreted it so that it could not be applied to rebuilding the levees that were washed out north of Cairo. The resolution which was afterwards passed and to which the gentleman from Massachusetts referred, by which were made available \$200,000, namely the resolution of May 2, contains this language:

It is hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the purpose of protecting life and property by preserving and maintaining during the present flood emergency the levees not under Government control on the Mississippi River, its tributaries and outlets.

Now, that says for preservation and maintaining, and the Mississippi River Commission interpreted it as being available only for preservation and maintaining during the flood period, and they could not use it to repair a levee that had been washed out after the flood had gone down; and it so happens that neither one of these appropriations under these two resolutions could be used by the commission for the very important purpose of repairing breaks in the levee after the water had gone down.

Mr. WALSH. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. WALSH. When this \$200,000 item was under discussion here in the House there was a telegram read from somebody on the spot in which it was stated it would be necessary to repair and restore the levees that had been washed away, and that was stated to be one of the purposes of the resolution and that the language drafted covered such intention.

Mr. DENISON. I agree with the gentleman that a great many of us thought that fund could be used for that purpose, but, after all, the Mississippi River Commission has the last say as to where and how the money shall be expended, and so it becomes necessary to pass this additional resolution.

Mr. WALSH. This covers the situation?

Mr. DENISON. By this resolution the levees north of Cairo can be repaired immediately.

Mr. WALSH. The gentleman prefers a million instead of the \$100,000?



Mr. DENISON. It has been submitted to the Chief of Engineers, and he thinks this will meet the situation, I will say to my friend.

Mr. LAZARO. You stated that \$1,000,000 was to be spent by the Mississippi River Commission upon waterways under their jurisdiction?

Mr. DENISON. Yes.

Mr. LAZARO. And that the \$200,000 was to be spent by the Department of War on waterways under its jurisdiction on the Mississippi River. You also state that the interpretation is that they can not use any of this money for the purpose of repairing levees?

Mr. DENISON. Yes.

Mr. LAZARO. Why is it that in this resolution this broadening of the language applies to only waterways above Cairo? Why not below?

Mr. MADDEN. Because provision has already been made in the other resolution for that, and money is available for the part below Cairo.

Mr. DENISON. We have just had the highest flood in the history of the Mississippi River. In various places our present levees proved wholly inadequate to take care of the unprecedented amount of water that came down upon us. The result was that levees north of Cairo which were thought to be sufficient gave way, and in my own district between two and three hundred thousand acres of the best farm land in Illinois have been overflowed. Stock has been drowned, homes have been washed away, and all growing crops have been ruined. It is a serious emergency, and if the farmers in the overflowed districts put in any crop at all for the coming year the breaks in the levees must be repaired immediately so as to stop the June and July floods. The purpose of the resolution which I introduced and for which this has been substituted by the Appropriations Committee is to authorize the Mississippi River Commission to at once repair the breaks so as to allow farmers to reseed their land and raise a crop for the coming year. Serious breaks in the levees in Missouri opposite southern Illinois, as well as some of the levees on the Iowa side in the district of Mr. KOPP, have broken. The Chief of Engineers has estimated that the amount made available by this resolution will be sufficient to repair these breaks. I hope the resolution may pass without any opposition.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the resolution was passed was laid on the table.

#### BRIDGE ACROSS ALLEGHENY RIVER AT FREEPORT, PA.

Mr. STRONG of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11345) to authorize the building of a bridge across the Allegheny River at Freeport, Pa. This is for the rebuilding of a bridge recently destroyed or seriously damaged when the ice went out. The contract has been awarded. The contractor is on the ground. Work had actually been begun when it was discovered that there never had been congressional action authorizing the building of the bridge, in the first instance, and the Chief of Engineers asked that this bill become law in order that he might approve the plans.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11345) authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.

*Be it enacted, etc., That the State of Pennsylvania be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River at a point suitable to the interests of navigation at or near Freeport, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.*

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STRONG of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CORPORATE POWERS OF ASSOCIATIONS.

Mr. McFADDEN. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 9527, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania calls from the Speaker's table, moves to disagree to the Senate amendments, and asks for a conference, a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply such section as so amended to all national banking associations.

The Senate amendments were read.

The SPEAKER. Is there objection to disagreeing to the Senate amendments and asking for a conference?

There was no objection, and the Speaker appointed as conferees Mr. McFADDEN, Mr. DALE, and Mr. WINGO.

#### READJUSTMENT OF PAY AND ALLOWANCES OF ARMY, NAVY, ETC.—CONFERENCE REPORT.

Mr. McKENZIE. Mr. Speaker, I call up the conference report on the bill H. R. 10972, an act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The SPEAKER. The gentleman from Illinois calls up a conference report on the bill H. R. 10972, which the Clerk will report.

The conference report and statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate, insert the following: "except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language stricken out by the Senate, insert the following: "Nothing contained in the first sentence of section 17 or in any other section of this act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate insert the following: "on June 30, 1922, there shall be included in the computation"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate insert the following: "and service as a contract surgeon serving full time; and also 75 per cent of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916"; and the Senate agree to the same.

JOHN C. MCKENZIE,

JAMES F. BYRNES,

Managers on the part of the House.

J. W. WADSWORTH, JR.,

TRUMAN H. NEWBERRY,

DUNCAN U. FLETCHER,

Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service submit the following statement in explanation of the effect of the action agreed upon by

the conference committee and submitted in the accompanying conference report:

1. This amendment as modified in the conference prevents officers whose promotion in grade is limited by law to the grade of captain or corresponding grade in other services from receiving a promotion in pay except in those cases where existing law specifically authorizes a higher rate of pay than that of the grade. In general this affects only the medical administrative corps of the Army, the officers of which are limited by law to the maximum grade of captain, and one officer of the Coast Guard, whose promotion is limited by law to the grade of lieutenant but who is under existing law entitled to the pay of lieutenant commander.

2. The House amendment provides in effect to change the percentage of retired pay for certain grades and leave the percentages untouched for other grades. The general rule governing the pay of retired officers is that they shall receive 75 per cent of the active pay. The House amendment would change this rule so that while all first and second lieutenants and all brigadier generals and major generals and practically all captains would continue to receive when retired 75 per cent of their active pay, most majors and all lieutenant colonels and colonels would receive a less percentage than 75 per cent. The Senate amendment provides that all officers, including those now on the retired list, should have their retired pay based on the schedule provided in this bill for the active list after July 1, 1922. The amendment as agreed to in conference provides that officers now on the retired list shall continue to draw the same retired pay which they are now receiving—in other words, the pay of officers now on the retired list is in no way affected by the provisions of this bill—while the retired pay of officers who retire after July 1, 1922, shall be 75 per cent of the active pay which they will be drawing at the time of their retirement, regardless of whether it will be more or less than the retired pay they would receive under the existing laws.

3, 4, 5, 19, 20, 23, 29, 33, 36, 38, 42. These amendments were inserted by the Senate and agreed to in conference so as to provide that all those parts of the bill which would have become effective on the date of the approval of the act shall become effective with all other parts of the bill on July 1, 1922.

11, 12, 13, 14, 15, 16, 17, 21, 22, 24, 27, 28, 30, 31, 35, 37, 39, 40. These amendments, inserted by the Senate and agreed to in conference, provide simply for the correct numbering of the sections of the bill.

6, 7, 10. As the bill passed the House it provided that Regular Army officers who had prior commissioned service in the Organized Militia and in the National Guard should receive credit for 50 per cent of all such service for pay purposes. As the bill passed the Senate this provision was modified so as to provide that such officers should count 50 per cent of only that service in the Organized Militia or the National Guard which has been rendered since the passage of the so-called Dick bill in 1903, which carried the first provisions for Federal supervision of the Organized Militia. As modified and agreed to in conference, the amendment now authorizes credit for 75 per cent of the commissioned service rendered since January 21, 1903, and also 75 per cent of commissioned service rendered in the Naval Militia or the National Naval Volunteers since June 3, 1916.

8, 9. These amendments, inserted by the Senate and agreed to in conference, provide simply for a transposition in words for the sake of clarity.

18. This amendment, inserted by the Senate and agreed to in conference, simply gives to the Secretary of the Navy and the Secretary of the Treasury the necessary administrative authority to put into operation the provisions of this bill which provide for the pay-grade classification of enlisted men of the Navy and Coast Guard.

25, 26. These amendments, inserted by the Senate and agreed to in conference, restore the provisions of the bill regarding nurses to the form in which they were worked out and agreed to by the joint committee which framed the bill. The nurse provisions of the bill were agreed upon by the joint committee after a very careful investigation of nursing conditions in civil life and in the Public Health Service. These provisions, as now agreed to, place the Army and Navy Nurse Corps on an equitable basis with respect to other nurses and give to these nurses an increase which amounts to something more than \$1,000,000 more than they are now receiving.

32. This amendment, inserted by the Senate and agreed to in conference, provides that the old Philippine Scout officers who were retired prior to June 4, 1920, the date of the passage of the Army reorganization act, shall be placed in the same identical status as other retired officers, including the Philippine Scout officers who have retired since that date. This is believed to be an act of justice on the part of the Government to these

officers who have rendered most meritorious service to the Government and who have been for many years badly neglected.

34. This amendment, inserted by the Senate and agreed to in conference, simply completed the title of the Coast and Geodetic Survey which was inadvertently left incomplete in the House bill.

41. This amendment, inserted by the Senate and agreed to in conference, simply makes clear the meaning of the section and in no wise changes the intent or purpose of the bill.

JOHN C. MCKENZIE,  
JAMES F. BYRNES,

*Managers on the part of the House.*

Mr. MCKENZIE. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker, the retirement pay of officers presents the only real difference between the House and Senate on the pending pay bill. The compromise reported by the conferees should not, in my opinion, be approved by the House. When the pay bill was considered the House adopted an amendment limiting the retirement pay of colonels, lieutenant colonels, majors, and officers below the grade of major, and of corresponding grades in the other services, to \$3,750 for colonels, \$3,375 for lieutenant colonels, and \$3,000 for majors and officers below the grade of major. In other words, the House fixed the maximum retirement pay of officers in the above grades at the same amounts as are now allowed under existing law.

Under the bill as reported by the conferees the maximum retired pay after July 1, 1922, of a colonel will be \$4,500; of a lieutenant colonel, \$4,312.50; of a major, \$3,975; and of a captain, \$3,375. It will thus be seen that the conference report provides an increase in the maximum retired pay of a colonel of \$750; of a lieutenant colonel, \$937.50; of a major, \$937.50; and of a captain, \$675. I submit that no sound reason has been or can be advanced for increasing the retirement pay of officers in these grades so that hereafter a colonel with 30 years' service will draw \$4,500 retired pay; a lieutenant colonel with like service, \$4,312.50; a major with like service, \$3,975; and a captain with like service, \$3,375.

The report of the conferees denies this increase of retirement pay to officers now on the retired list, or who may be retired between now and July 1, 1922, but grants it to all officers retired after July 1, 1922. Now, while I do not favor increasing the retirement pay of officers in the grades mentioned, yet I confess that I am unable to understand why, if an increase is granted, it should not apply to officers now on the retired list or who may be retired between now and July 1, 1922. It is not fair to fix an arbitrary date line which will determine hereafter a wide difference in the retirement pay of officers of the same grade and with like service.

What good reason can be assigned why a colonel retired on June 30, 1922, should receive only \$3,750, whereas a colonel retired on July 1, 1922, should receive \$4,500—why a lieutenant colonel and major, with 30 years' service, retired during the month of June, 1922, should receive \$937.50 less than a major with like service retired on or after July 1, 1922. The very fact that the conferees have denied an increase in retirement pay to officers now on the retired list, or who may be retired between now and July 1, 1922, is to my mind an unanswerable reason why no increase should be provided in the retirement pay of officers in the grades referred to.

There are more than 450 officers now in grades corresponding to that of colonel who, if retired after July 1, 1922, will receive the maximum retired pay of \$4,500 provided for in the conferees' report; likewise, there are lieutenant colonels and majors and officers of corresponding grades who will be entitled to the maximum retired pay provided for in the conferees' report.

An examination of Table 1, attached to the minority report, will show that many additional colonels, lieutenant colonels, and majors will have sufficient service in the next few years to be also retired at the maximum pay.

When it is recalled that the maximum retired pay of Government civilian employees is \$720, to which the employees must, out of their pay, have contributed, I submit that it would be unfair, unjust, and unwise to fix the maximum retired pay of a colonel at \$4,500, of a lieutenant colonel at \$4,312.50, of a major at \$3,975, of a captain at \$3,375.

The present retired pay of these officers is more than the yearly salaries paid many high State officials, including many judges of important state courts.

I recognize that there are limitations on the acceptance of employment by retired officers, and this may be suggested as a reason by some of the conferees for recommending an increase in their retired pay. It must be remembered, however, that the



same limitation as to employment applies to the officer now on the retired list, and if there be no good reason for increasing the retirement pay of this last class of officers, surely none can be assigned for increasing the retirement pay of officers retiring after July 1, 1922, since all retired officers suffer the same business handicaps imposed by existing limitations. It so happens that bills are now pending before committees of the House to repeal or modify the limitations referred to, and I understand that the House Committee on Naval Affairs has favorably reported a bill on this subject. The House may later modify existing limitations and vest the Secretary of the Navy and the Secretary of War, with some discretion in reference to civilian employment for retired officers.

In connection with the proposed increase in the retirement pay of officers it is well to recall that the House recently went on record as favoring a reduction of 2,000 in the officer personnel of the Army, and the House Naval Affairs Committee has reported a bill looking to the retirement of a limited number of naval officers. There is also pending in the Senate a bill, known as the Pershing bill, which seeks further authority to retire officers now in the service.

It is safe to predict, then, that this Congress will pass some bill looking to the separation of many present officers from the service. Any reductions in the commissioned personnel which this Congress may require or authorize can not be made effective until after July 1 next. Then, why should Congress increase the retirement pay of colonels, after July 1, from \$3,750 to \$4,500; of lieutenant colonels, from \$3,375 to \$4,312.50; of majors, from \$3,000 to \$3,937.50?

These grades are now top-heavy, and there are many officers, holding commissions in the grades of colonel, lieutenant colonel, major, and captain, who will be retired from active service within the next year. Many of these have sufficient service to entitle them to the maximum retirement pay, and it will prove very expensive to the Federal Treasury to grant the retirement increases, recommended for these grades by the report of the conferees.

In this connection I repeat that if this large increase is granted to officers retired after July 1, 1922, then Congress will be urged at a subsequent session to grant like increases to those now on the retired list and those who may be retired between now and July 1, 1922. The only argument that can be made against granting such increases will be that the amount now received is sufficient, and the same argument, I submit, applies with like force to officers retiring after July 1, 1922.

I do not favor increasing the retirement pay of officers now on the retired list or who may be retired between now and July 1, 1922, in the grades of colonel, lieutenant colonel, major, captain, and of corresponding grades in the other services; but if this Congress grants an increase of retirement pay to officers in these grades, retired after July 1, 1922, then I am at a loss to understand what good reason can be given by those voting for such increase for denying the same to officers now on the retired list.

Many on the retired list have had the same service that those retired after July 1 will have had. They have served in the same grades, and some bear wounds received on the field of battle, yet all increase to them is denied, and you arbitrarily fix a date to wit, July 1, 1922, when retirement pay will be increased.

Mr. WARD of North Carolina. What was the reason for that?

Mr. OLIVER. I am unable to state. I don't think the conferees can offer any satisfactory reason therefor. The pending pay bill is generous to colonels, lieutenant colonels, majors, and captains with more than 20 years' service to their credit, and they are permitted to count, for the purpose of advancement to a pay period higher than that corresponding to the grade in which they hold commissions, all service which now counts for longevity; but the officer commissioned after July 1 is denied the right to count any service, except effective commission service, for advancement, although advancement to a pay period higher than that in which the officer holds a commission involves an automatic increase of \$500 in the base pay of the officer.

The pending bill also removes the \$1,000 limitation as to the longevity pay of colonels, lieutenant colonels, and majors, and of corresponding grades, and these it will be remembered are the only grades in which any longevity limitation is fixed. It was this fact that led the House to adopt the amendment limiting the retired pay of such officers. The longevity percentage has also been increased by the pending bill from 40 to 50 per cent, so that after July 1, 1922, the maximum pay of a colonel will be \$6,000, instead of \$5,000; that of a lieutenant colonel,

\$5,750 instead of \$4,500; that of a major, \$5,250 instead of \$4,000; that of a captain, \$4,500 instead of \$3,600.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. McKENZIE. Mr. Speaker, would the gentleman like some more time?

Mr. OLIVER. I would like to have one minute more.

Mr. McKENZIE. I yield to the gentleman one minute more.

The SPEAKER. The gentleman from Alabama is recognized for one minute more.

Mr. OLIVER. The pending bill, in addition to an increase in pay, as I have just pointed out, grants also a ration and allowance increase to these same officers, as follows:

To colonels, with dependents, a maximum increase from \$1,325.35 to \$1,878.

To lieutenant colonels, with dependents, a maximum increase from \$1,151.70 to \$2,097.

To majors, with dependents, a maximum increase from \$975.65 to \$2,097.

There is a limitation of \$7,200, however, in the pending bill, on the total compensation, including pay and allowances, which any officer below the grade of brigadier general may receive, not including extra pay for aviation.

I have mentioned these matters only to emphasize that a generous pay has been provided for officers in the grades of colonel, lieutenant colonel, and major by the pending bill, and that for this reason no increase should be granted in their present retirement pay. The officers now on the retired list have never received the increased pay and allowances that those now in the service will receive in future, and to my mind this strongly argues that no difference should be hereafter made in the retirement pay of officers placed on the retired list before and after July 1, 1922.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. McKENZIE. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER. The gentleman from South Carolina is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, the retirement statute to-day provides that the officer who is retired shall receive three-fourths of the pay he is receiving at the time he was retired. This bill as now presented to you does not disturb that provision of law in any way except to provide that no man now on the retired list shall suffer any decrease in pay by reason of the operation of this bill. In other words, it leaves the men on the retired list just where this bill found them, receiving three-fourths of the pay they were receiving at the time they were retired. As to the men to be retired in the future, the existing statute will apply, and it provides that when retired they shall receive three-fourths of the pay they are receiving at the time they retire.

Now, the gentleman who has preceded me has talked to you always of the officers with maximum service, as if every man retired was going to receive the maximum pay. The fact is that in the Army to-day there are only 37 officers awaiting retirement and only 137 who during the next four months will retire. Of this number there are only 10 colonels who will receive the maximum of \$750 more than they would receive under the law of 1908.

No lieutenant colonel and no major will receive the maximum retirement pay provided by this bill. The 26 lieutenant colonels to retire will receive an increase ranging from \$165 to \$430 a year. Fourteen of the 39 majors will receive an increase of from \$37 to about \$800 a year. All others will receive the same retired pay as under the law of 1908. My friend [Mr. OLIVER] has held up to you only the maximum, omitting to state that practically all officers retired with 15 years' service or less will suffer a decrease in retired pay as compared with the law of 1908. His complaint is not that we refuse to give an increase to the men now on the retired list. He says that is all right. But he thinks his amendment should have been retained as he offered it. But look at what his amendment did. Look at what your managers had to support in conference. By the terms of his amendment he changed the retirement law only as to three grades of officers, colonels, lieutenant colonels, and majors; but the general who retires would still receive three-fourths of his pay under his amendment adopted by the House. The captain who was retired would receive three-fourths of his pay. The first lieutenant and the second lieutenant would receive three-fourths of their pay. But when you get to the colonel, lieutenant colonel, and major of 30 years' service the retirement percentage would be changed from 75 per cent to 62 per cent. He says no discrimination should be made against men now on the retired list in favor of men retired in the future.

He would make a discrimination against some men now on the retired list in favor of other men who are now on the retired list. A captain of 24 years or less would get three-fourths of his retirement pay, a first lieutenant would get the same, a second lieutenant would get the same, and so would a general, whereas a colonel, a lieutenant colonel, or a major would receive only 62 per cent of their retirement pay. Suppose you had done that. Would you not have had just cause of complaint from the retired officer who would say, "Tell me why you give to one officer on the retired list three-fourths of his pay and give to me only 62 per cent?" Manifestly it was unfair and impracticable. The Senate, on the other hand, wanted the retirement schedules as provided for in this bill to apply to every man now on the retired list, where it would result in an increase of pay but not where it would result in a decrease of pay. Your conferees compromised by providing in this conference report that we should leave the men now on the retired list where we found them.

In 1920, when the cost of living was high, when people had lots of money to pay taxes and were not complaining, this House raised the pay of the personnel of the military services and yet did not disturb the status of the men on the retired list. They left them right where they found them. Now, should the Congress to-day be more liberal in granting money to men on the retired list than the Congress was in 1920?

And then there is an additional reason. The pay of the future is established by this bill for the purpose of keeping men in the service. That was the reason why in 1920 you adopted the new pay schedule—the so-called bonus bill—in order to keep good men in the service and attract men to the service. It was not for the purpose of increasing the pay of retired officers. And the readjustment authorized by the same bill was not for the purpose of increasing retired pay. Now, gentlemen on the retired list who have got an increase do not want this new bill to apply where it means a decrease in pay. I will tell you, though the gentleman from Alabama [Mr. OLIVER] failed to state it, that as to every man whose service is under 15 years who is now in the service, if he is retired now he will receive less pay than under the law of 1908. This maximum amount he mentions only refers to officers with the maximum service of 30 years. Out of 1,247 men on the retired list in the Navy, 800 men were retired because of physical disability. It follows that most of these men would not receive the maximum amount, and it is an indication of what would occur in the future. The compromise adopted by the conferees is the logical thing to do; it makes no change in the retirement statute, allowing it to apply to retirements in the future, just as it has to retirements in the past, regardless of whether it means more or less retired pay to an officer.

From my investigation I believe that the whole subject of retirement ought to be investigated, that we ought to determine whether we will continue the provisions prohibiting the employment of a retired officer by any concern doing business with the Government, or whether there should be some modification of these provisions; and if this is done, then reduce the retired pay or provide for a reduction where a man has other sources of income. But certainly you can not ask your conferees to agree to hang out and kill this bill by insisting upon a proposition that would give to three grades of officers 62 per cent and give to every other officer 75 per cent of his active pay as retired pay.

Under the Oliver amendment, adopted in the House, a captain now on the retired list, with 24 years' service, would receive \$3,000 retired pay, as against the \$2,520 he is to-day receiving, an increase of \$480; while the major, lieutenant colonel, and colonel with 30 years would receive no increase. This would be true of the other junior officers, because his limitation would let the three-fourths pay apply to generals and junior officers. This report will not increase any officer on the retired list one dollar and lets the existing statute govern in the future, whether it means an increase or decrease.

If the House thinks the retirement law should be changed, let it be done in a proper manner, changing the percentage of retired pay as to all grades, not three.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. LINTHICUM. I do not understand why the man on the retired list who has performed the same length of service should not receive the same retired pay that an officer now in the service would receive when retired.

Mr. BYRNES of South Carolina. They do not want that; they only want the same pay when the same pay is greater than what they now receive. Under this bill the retired pay of many officers will be less. But we specifically provide that no man on the retired list shall suffer a reduction. Is there any reason

why a colonel should receive 62 per cent and a first lieutenant and a general should receive 75 per cent?

Mr. LINTHICUM. I am not arguing in favor of what the gentleman from Alabama says.

Mr. BYRNES of South Carolina. That was the House proposition from which the conferees receded in order to accept this compromise.

Mr. LINTHICUM. I do not understand why a man who has given the same length of service in the past should not receive the same pay as an officer retired in the future.

Mr. BYRNES of South Carolina. In many cases it would be less, and my friend would not want that. Whenever a man was retired in the past he received what the law provided he should receive, three-fourths of his base pay and longevity pay. Of course, the allowances never figure in it. He had a right to expect that. He got it. Now the question is raised here as to whether this bill should apply where by its provisions there is an increase. If it should apply to him where there is an increase, why should it not apply where there is a decrease? If you should have the House bill apply, and change the retirement statute in a haphazard manner as to only three grades, it would cause just as much complaint. We contend that, so far as the Government is concerned, it has kept its contract with the officers on the retired list. When he retired the law provided that he should receive the three-quarters pay, and he is receiving it. If hereafter an officer who retires with 10 years' service receives less pay, they have no complaint, but if an officer with 30 years' service happens to receive more, then it is said that he ought not to have it.

Mr. LINTHICUM. What I had in mind was that you increased the pay because of the increased cost of living, and that affects the man on the retired list just as much as a man on the active list.

Mr. BYRNES of South Carolina. When the cost of living was much higher and they were in better position to advocate an increase as an immediate necessity, Congress, in 1920, refused to grant it and should not now be more liberal simply because we are readjusting the pay of the officers in the active service.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. MCKENZIE. I will yield to the gentleman two minutes more.

Mr. BYRNES of South Carolina. I believe this is a good bill. It will cost approximately \$14,000,000 less than the amount appropriated for this year and \$14,000,000 less than the estimate for the personnel for next year. The reduced amount that is authorized by the bill is so distributed that it receives the approval of every one of the services; it receives the approval of 8 of the 10 men who constituted the joint committee and who studied the question for months; it receives the approval of 3 out of 5 of the special committee; it receives the approval of nearly every man on the Military Committee of the House. The gentleman from Kansas [Mr. ANTHONY] is in favor of it. It is approved by the gentleman from Michigan [Mr. KELLEY]. It receives the approval of the gentleman from Tennessee [Mr. PADGETT], of the Committee on Naval Affairs. It of course receives the approval of the gentleman from Illinois [Mr. MCKENZIE], its author, who possesses an intimate knowledge of military affairs. Now, when it comes to the consideration of so complex a bill, Members who have not time to investigate it will, I know, have confidence in the judgment of these gentlemen who heretofore have won and justified the confidence of the House in naval and military matters. [Applause.]

Mr. MCKENZIE. Mr. Speaker, I yield seven minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, it is not my purpose to criticize nor commend particularly the bill. The gentleman from South Carolina [Mr. BYRNES] said that we ought to have confidence in the men who have studied the subject and accept their word for it. I have all the confidence in the world in the gentlemen who are responsible for this bill, their honor, their integrity, and their ability. However, that does not preclude me from taking a pencil and doing a little calculation on the result of their efforts. The whole proposition that I want to discuss for a minute or two is that I do not believe there is any warrant or any necessity or any reason why we should retire the military officers in our National Establishment at the end of 30 years' service, provided they are in good physical condition, and retire them at any such figure as we are proposing to do in this bill.

Mr. TILLMAN. Will the gentleman yield?

Mr. BEGG. I would rather not just at this time. I want to give the House these figures, and I believe if you check them up you will find that they are accurate. There are 435 colonels



now in the Army with over 30 years of service; 244 colonels with a service between 28 and 30 years. There are 138 colonels with a service of over 26 years, and the colonel's pay, according to this bill, the retirement pay, will range from \$3,750 to \$4,500.

In arriving at my figures I have taken the average between \$3,750 and \$4,500. There is no way that you can find out the total number of colonels that will be retired within the next four years. But, taking the average between \$3,750 and \$4,500, the cost of retiring that many men is \$3,418,800 yearly assessed against the people of the United States for dead weight on the military service.

Now, of lieutenant colonels there are 32 with a service of over 30 years; 126 with a service between 28 and 30 years; 372 with a service between 25 and 27 years; 456 with a service between 22 and 24 years. Their retired pay ranges from \$3,375 to \$4,312. I again take the average between the two extremes for my basis of figuring the cost annually of retiring the lieutenant colonels in the period of six years from date. That makes \$3,746,800.

Now, let us take the majors. You have 11 with a service of over 30 years; 23 with a service between 28 and 30 years; 89 with a service between 26 and 27 years; 140 with a service over 23 and under 25. Their pay ranges from \$3,000 to \$3,975. It will cost to retire the majors in the Army \$920,500.

Now, take the captains. There are 139 captains with a service of over 30 years; 87 captains with a service between 28 and 30 years; 107 captains with a service between 25 and 27 years; 138 captains with a service between 22 and 24 years. Their pay ranges from \$2,700 to \$3,375. It will cost to retire the captains \$1,413,000.

Now, within a period of six years, adding the total retired pay of these eligible to be retired within the next six years in the Military Establishment of the Government, you have \$9,499,100 which must be raised from taxation to carry the dead weight on the military service.

Do you gentlemen realize that \$9,499,000 lacks only a very few dollars of being one one-hundredth as much as the total cost of operating the Government in 1915-16? Yet here we are paying one one-hundredth as much as the total cost of operating the Government for carrying the dead weight in the Army and the Navy in the military branch.

Every other branch of the Government service is compelled to contribute to the support of the fund out of which they draw their retirement. Every old-age pension scheme that I know anything about is founded upon the principle that while one is able to earn he must contribute to his old-age support.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. McKENZIE. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Speaker, I can not support by my vote any measure that gives a retired Army officer at the age of 46, \$4,500 per year. I am reluctant to take this position, because I think this bill, with possibly this exception, is a good bill. I believe in the doctrine of length of service being calculated in the pay of an Army officer, and I think the committee has worked hard and faithfully on this proposition, but I do not believe the Oliver amendment should have been stricken out by the Senate. I think it has put upon the Congress the responsibility of voting a burden of taxation for retired Army officers which the people will resent, and I can not give the measure my support. I realize that we would be in quite a predicament if a pay bill were not passed. I realize that this pay bill is an improvement over the present condition so far as Army officers' pay is concerned. I realize that it will not do to go back to the old 1908 law, and there are several features of the bill that I approve heartily, but I can not permit the other body of this Congress and a conference committee to cram down my throat a provision that I have said I never would vote for; and I never will vote for a provision that retires Army officers at the age of 46 at a salary of \$4,500 per year, to be paid by the people of this country. [Applause.]

Mr. McKENZIE. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER. Mr. Speaker, I simply wish to make a statement in answer to some of the matters referred to by the gentleman from South Carolina [Mr. BYRNES]. He complains that under the amendment, adopted by the House, a difference was made between the percentage retirement pay of colonels, lieutenant colonels, majors, captains, and of officers below the grade of captain. It must be remembered in this connection that there is a limitation under existing law only on the longevity pay of colonels, lieutenant colonels, and majors and those of corresponding grades in the other services, to wit, \$1,000. This limitation does not apply to any other grade. In the absence

of such limitation, the pay proper of a colonel, lieutenant colonel, and major would be largely increased.

Now, the House in limiting the retirement pay simply gave consideration to this limitation of existing law on the longevity pay of this class of officers. While removing the limitation as to the pay of the grades when on active service, yet it fixed retirement pay on the limitations of existing law.

Allusion is also made to the fact that retired officers were granted no increased pay by the May 12, 1920, bill, known as the bonus bill. In this connection it must be remembered that no increased retirement pay was provided for any officer under the May 12, 1920, bill, and that this bill sought only to provide a temporary increase in the pay of officers while on active service.

If you adopt the conference report, the maximum retired pay of a colonel will hereafter be the same as the maximum retired pay of a brigadier general, to wit, \$4,500, and the maximum retired pay of a captain in the Navy will be the same as the maximum retired pay of an admiral—of the lower half—to wit, \$4,500.

The gentleman from Ohio [Mr. BEGG] has well pointed out that there are now more than 450 colonels and officers holding corresponding grades in the other services, who will be eligible for retirement at the maximum retired pay, if the conference report is adopted. He has also given interesting data relative to the number of lieutenant colonels and majors, who now and hereafter will be entitled to the maximum retirement pay fixed by the Senate amendment, and which the House conferees have yielded to.

In conclusion, permit me to say that I do not think any sound reason has been offered for increasing the retired pay of colonels, lieutenant colonels, majors, and captains.

The refusal of the conferees to allow increased retirement pay to officers now on the retired list, or who may be placed on the retired list prior to July 1, 1922, completely answers why an increase should not be granted to officers retired after July 1, 1922.

In the pending pay bill many concessions are made to the officers now in the service which are denied to officers who will be commissioned after July 1, 1922, and I submit we should not add a further discrimination in favor of the officers now in the service as to the matter of retired pay.

You can not make gifts and concessions to officers now on active service and deny the same either to officers hereafter commissioned or to officers who may be retired before July 1, 1922. Such concessions and discriminations will unquestionably rise to confront this and subsequent Congresses, and must be dealt with on a basis fair and equitable to all officers, whether now retired or commissioned after July 1, 1922.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. McKENZIE. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I direct the attention of the gentleman from Illinois [Mr. McKENZIE] to the fact that the action of the conferees in substituting new language for that of Senate amendments numbered 6 and 7, in my judgment, throws the paragraph in which those amendments are included entirely out of gear. I take it it does not mean anything as I read it. The paragraph as finally agreed to by the conferees reads as follows:

For officers now in the service all service on June 30, 1922, there shall be included in the computation which is now counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per cent of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time shall be included in the computation.

It would seem to me that the conferees in eliminating the amendments of the Senate and substituting new language have omitted to include certain words which give force to this paragraph as finally amended. Does the gentleman from Illinois think that this now means anything at all?

Mr. McKENZIE. That matter was very carefully gone over by the people who are vitally interested in it. It was gone over repeatedly and checked up. If there is an error in it, it can not be helped at this time, in my judgment. The way the language is written I take it it carried out the wishes of the conferees.

Mr. WALSH. What were the wishes of the conferees?

Mr. McKENZIE. The wishes of the conferees were that the officers who had service in the National Guard should have counted 75 per cent of the time served as officers in the Organized Militia from 1903 and in the National Guard from 1916 on.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. MCKENZIE. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I am opposed to the adoption of this conference report for the particular reason that it contains the amendment of the Senate which removes that provision of the House bill which placed a limitation upon the retired pay of officers. There is no other branch of the Government in which there is anything comparable to the provision which we make for the retirement pay of Army officers, naval officers, and officers of the Coast Guard, and the other services provided for in this bill. I do not challenge the justice of a retirement system, but this House is going to great lengths when it makes it possible for 400 colonels in the Army, many of whom are yet capable of rendering the Government service, to be retired at a compensation of \$4,500 per year.

What will they do in return for that compensation? Will they render the Government any service? They will go on the retired list, most of them, the very day they are eligible for retirement. Talk to Army officers and get their viewpoint and you will not talk to them very long until it will creep out from somewhere in their conversation that they will be eligible for retirement on such and such a day. They look forward to it anxiously. They look forward to it as a period of ease, a period in which they may pursue other callings and engage in other lines of activity. Many retired Army officers pursue other vocations, and yet draw compensation from the Government as their retired pay. In this city now there are officers who are engaged in business retired from the Army on three-fourths of their pay. This bill as it passed the House contained a provision limiting the retirement pay of colonels to \$3,750, and I believe for a lieutenant colonel to \$3,200.

Mr. OLIVER. From \$3,375 to \$4,312.50.

Mr. CONNALLY of Texas. That was a limiting provision and ought to have been retained in this bill. Under this bill, as I understand it, it is possible for colonels to be retired and receive the same retired pay as that a brigadier general receives and render to the Government absolutely no service whatever. Now, gentlemen, talk about economy. I have been hearing people talk about economy ever since I have been in this House. If you call out gentlemen on the majority side and call out gentlemen on the minority side they will tell you, and they will tell their constituents, they are for economy, but it is economy for to-morrow, it is economy for next month, it is economy when the other party comes into power. But it is not economy now. I want to say to the Republican side of the House and I want to say to the Democratic side of the House that if you really believe in economy now is the time to show your colors. If you really believe in economizing in the matter of salaries—you told the country you did not believe in increasing them; you told the voters of the country if they would put you in power you would sit on the lid and keep it from blowing off.

The Democrats said to the people that if they would put us in power we would hold salaries of Government employees down and not increase them. The Republicans went before the country and told the people that if they would put them in power they would stand at the doors of the Treasury with flaming swords; that they would cut out all increase of pay and compensation. So when the bill comes before the House increasing pay of Army officers, they say, "Oh, I believe in economy, I am for economy, but the committee has labored very diligently. This is a good bill; I think it is going to save money." We are told that it will save \$14,000,000. It is not true. It will not save a cent, because the temporary bonus law, on the 1st of July, expires, and instead of saving money this bill will not only extend it over to the next fiscal year but over every year that shall follow. I am telling you now, gentlemen, if you believe in economy you had better wake up and practice some and stop increasing salaries that will be given to retired officers, retired on account of length of service and not on disability until the end of creation, and who, the most of them, will retire at the earliest possible moment.

The SPEAKER. The time of the gentleman has expired.

Mr. MCKENZIE. Mr. Speaker, I ask to be notified when I have used 15 minutes. Mr. Speaker and gentlemen of the House, I am somewhat at a loss to know just what to say to you. I have listened this morning to the oft-repeated criticism of a few gentlemen who have opposed this bill from its in-cipency, and finally the gentleman from Texas [Mr. CONNALLY] winds up his impassioned speech by saying if you favor economy vote against the conference report. I said when I opened the discussion on this bill that I love a good fair fight.

I like to meet men who fight in the open and decline and disdain to strike below the belt, but I want to say to you gentlemen very frankly here this morning that every one of these speeches which have been made to you this morning are unfair to the members of the committee.

They pointed out to you that perhaps some of these 400 colonels—who won the Spanish-American War for us; every one of them with the exception perhaps of two dozen are men who served in that war and in the Philippine insurrection—will draw the maximum retired pay. They complain that under this bill that perhaps they will get a little increase in pay when they go out of the active service of the Army. Now, they forget that these men have rendered more service to our country than perhaps any 400 colonels who will be in the service of our Government for many, many years to come. They will tell you about these cases where a colonel who has given 30 years of commissioned service to his country may get a little increase in retired pay. They do not tell you that all down the list that the men who have had short services when they go on the retired list will not go on the retired list on account of a certain kind of badge they have on their shoulder, but that they will be retired according to their length of service, and I challenge the gentleman from Alabama and the gentleman from Texas, or any other man, to show wherein this will not be a saving to this country, because there are infinitely more officers who go on the retired list with a short length of service than those who go on the retired list with long length of service. They talk about longevity pay, and the gentleman from Alabama brought up the old limitation of \$1,000 on longevity pay.

Gentlemen, under this law that we have struggled six months to enact we provide for longevity pay that reaches out 30 years over a man's service, and when it is all done he will not receive any more longevity pay than under the existing law. We are criticized for some of these things over which we have no control. And I want to say to you frankly, and I say it in this House to-day, that a joint committee ought to be organized at once for the purpose of revising and readjusting the laws on retirement in this country of ours. If I had my way about it, no man would go on the retired list of his own volition. He would go on the retired list for physical disability alone. [Applause.] But it is a matter over which we have no jurisdiction. We were confined to pay of men on the active list.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. MCKENZIE. Certainly.

Mr. BLAND of Indiana. If the gentleman feels that retirement ought to be made on account of physical disability, why did he as a conferee agree to bring in a provision that increases the retired pay of an officer without any disability whatever?

Mr. MCKENZIE. The fact is, we had no power to change the law of retirement. We could not do that. But we did one thing—we said that hereafter men going on the retired list shall be retired on the basis of length of service.

Mr. BLAND of Indiana. Will the gentleman yield a minute?

Mr. CONNALLY of Texas. The gentleman says they have no power to do that. Now, he put a provision in this bill providing the increases at least should not go except to those already retired.

Mr. MCKENZIE. I want to say to the gentleman from Texas that it always pays for an individual to be fair. It pays the Government to be fair. And when we provided that men who were to be retired for a short length of service, based on the length of service, it is fair to say that men who had long service have retired pay for that service, not simply on grade.

Mr. BLAND of Indiana. By the action of this House we limited it to \$3,750. If you could not agree to it, you could have limited the pay to men who were going out without disability.

Mr. MCKENZIE. I stated at the time that I was against that amendment. It discriminated against men in the service in the higher grades and did not touch the men down the line. In conclusion, the opposition steer away from the good things in this bill. They steer away from the humanity in it. They get away from what we have done for the National Guard. They do not tell you that we have done justice to the old Philippine Scouts that have been knocking at the doors of Congress for years for the fair treatment that we have given to the other officers of the Army. They do not tell you about those things, but they ask you to vote against a proposition which I say on my honor as a man will not only be economical, in my judgment, for the Government but one which this Congress will feel proud of in the years to come.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.



The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. OLIVER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and those in favor of agreeing to the conference report will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 50, answered "present" 1, not voting 178, as follows:

## YEAS—202.

Ackerman	French	Lehlbach	Roach
Anderson	Frothingham	Lineberger	Robertson
Anthony	Funk	Linthicum	Rodenberg
Appleby	Garrett, Tenn.	Little	Rucker
Barbour	Gensman	Logan	Scott, Tenn.
Barkley	Gerner	Luce	Shaw
Bird	Goodykoontz	Luhning	Shelton
Blakeney	Gorman	McDuffie	Sinclair
Bland, Va.	Green, Iowa	McFadden	Sinnott
Briggs	Greene, Mass.	McKenzie	Slemp
Brooks, Ill.	Greene, Vt.	Magee	Smith, Idaho
Brown, Tenn.	Griest	Mages	Snyder
Browne, Wis.	Hadley	Martin	Sproul
Bulwinkle	Hardy, Colo.	Merritt	Stedman
Burke	Hardy, Tex.	Michener	Steenerson
Burrroughs	Harrison	Miller	Stephens
Burton	Haugen	Mills	Strong, Kans.
Butler	Hawes	Millsbaugh	Strong, Pa.
Byrnes, S. C.	Hawley	Montague	Summers, Wash.
Campbell, Kans.	Hayden	Montoya	Swing
Campbell, Pa.	Hays	Moore, Va.	Taylor, N. J.
Cannon	Herrick	Moore, Ind.	Taylor, Tenn.
Chandler, N. Y.	Hersey	Morgan	Ten Eyck
Chandler, Okla.	Hickey	Morin	Tincher
Chindblom	Hill	Mott	Tinkham
Christopherson	Hock	Mudd	Towner
Clague	Hooker	Newton, Minn.	Underhill
Clarke, N. Y.	Hukriede	Newton, Mo.	Upshaw
Clouse	Hull	Norton	Valle
Crago	Humphreys	O'Connor	Vinson
Crowther	Jacoway	Ogden	Volgt
Curry	James	Oldfield	Volstead
Dale	Jeffers, Ala.	Osborne	Walsh
Dallinger	Johnson, Ky.	Overstreet	Walters
Darrow	Johnson, S. Dak.	Parker, N. J.	Ward, N. C.
Denison	Keller	Parker, N. Y.	Watson
Dominick	Kelly, Pa.	Patterson, Mo.	Webster
Doughton	Kendall	Patterson, N. J.	Wheeler
Drowry	Kincheloe	Pon	White, Kans.
Dunbar	King	Pringey	White, Me.
Dyer	Kirkpatrick	Purnell	Williams, Ill.
Edmonds	Kissel	Radcliffe	Williamson
Elliott	Kline, N. Y.	Rainey, Ill.	Woodruff
Ellis	Knutson	Raker	Woodyard
Fairfield	Kopp	Ramseyer	Wright
Fess	Kreider	Reavis	Wurzbach
Fish	Langley	Reece	Wyant
Fisher	Lawrence	Reed, W. Va.	Young
Foster	Lazaro	Rhodes	Zihlman
Free	Lea, Calif.	Riddick	
Freeman	Leatherwood	Riordan	

## NAYS—50.

Andrews, Nebr.	Davis, Tenn.	Kraus	Sandlin
Beedy	Deal	Lanham	Steagall
Begg	Fulmer	Lankford	Stevenson
Bland, Ind.	Gahn	Layton	Summers, Tex.
Bowling	Garner	Lowrey	Thomas
Box	Garrett, Tex.	Lyon	Thompson
Brand	Gilbert	McClintic	Tillman
Buchanan	Graham, Ill.	McSwain	Williams, Tex.
Byrnes, Tenn.	Huddleston	Madden	Wilson
Chalmers	Johnson, Miss.	Oliver	Wingo
Collier	Jones, Tex.	Quin	Wise
Colton	Kinkaid	Rankin	
Connally, Tex.	Kline, Pa.	Ricketts	

## ANSWERED "PRESENT"—1.

McLaughlin, Mich.

## NOT VOTING—178.

Almon	Carter	Echols	Hutchinson
Andrew, Mass.	Clark, Fla.	Evans	Ireland
Anson	Classon	Fairchild	Jeffers, Nebr.
Arentz	Cockran	Faust	Johnson, Wash.
Aswell	Codd	Favrot	Jones, Pa.
Atkeson	Cole, Iowa	Fenn	Kahn
Bacharach	Cole, Ohio	Fields	Kearns
Bankhead	Collins	Fitzgerald	Kelley, Mich.
Beck	Connell	Focht	Kennedy
Bell	Connolly, Pa.	Fordney	Ketcham
Benham	Cooper, Ohio	Frear	Kless
Bixler	Cooper, Wis.	Fuller	Kindred
Black	Copley	Gallivan	Kitchin
Blanton	Coughlin	Glynn	Kieczka
Boies	Cramton	Goldsborough	Knight
Bond	Crisp	Gould	Kunz
Bowers	Cullen	Graham, Pa.	Lampert
Brennan	Davis, Minn.	Griffin	Larsen, Ga.
Britten	Dempsey	Hammer	Larson, Minn.
Brooks, Pa.	Dickinson	Henry	Lee, Ga.
Burdick	Dowell	Hicks	Lee, N. Y.
Burtness	Drane	Himes	London
Cable	Driver	Hogan	Longworth
Cantrill	Dunn	Hudspeth	McArthur
Carew	Dupré	Husted	McCormick

McLaughlin, Nebr.	Paige	Sanders, Ind.	Taylor, Ark.
McLaughlin, Pa.	Park, Ga.	Sanders, N. Y.	Taylor, Colo.
McPherson	Parks, Ark.	Sanders, Tex.	Temple
MacGregor	Perkins	Schall	Tilson
Maloney	Perlman	Scott, Mich.	Timberlake
Mann	Petersen	Sears	Treadway
Mansfield	Porter	Shreve	Tucker
Mead	Rainey, Ala.	Siegel	Tyson
Michaelson	Ransley	Sisson	Vare
Mondell	Rayburn	Smith, Mich.	Vestal
Moore, Ill.	Reber	Smithwick	Volk
Moore, Ohio	Reed, N. Y.	Snell	Ward, N. Y.
Murphy	Robson	Speaks	Wason
Nelson, A. P.	Rogers	Stafford	Weaver
Nelson, J. M.	Rose	Stiness	Winslow
Nelson, Me.	Rosenbloom	Stoll	Wood, Ind.
Nolan	Rossdale	Sullivan	Woods, Va.
O'Brien	Rouse	Sweet	Yates
Oipp	Ryan	Tague	
Padgett	Sabath		

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.  
 Mr. Paige with Mr. Sullivan.  
 Mr. Atkeson with Mr. Padgett.  
 Mr. Kahn with Mr. Favrot.  
 Mr. A. P. Nelson with Mr. Swank.  
 Mr. Sanders of Indiana with Mr. Gallivan.  
 Mr. Winslow with Mr. Almon.  
 Mr. Evans with Mr. Crisp.  
 Mr. Burdick with Mr. Stoll.  
 Mr. Snell with Mr. Aswell.  
 Mr. Fitzgerald with Mr. Carew.  
 Mr. Arentz with Mr. Rayburn.  
 Mr. Cole of Ohio with Mr. Sears.  
 Mr. Kiess with Mr. Parks of Arkansas.  
 Mr. Frear with Mr. O'Brien.  
 Mr. McPherson with Mr. Woods of Virginia.  
 Mr. Murphy with Mr. Sabath.  
 Mr. Codd with Mr. Tyson.  
 Mr. Bowers with Mr. Carter.  
 Mr. Maloney with Mr. Tague.  
 Mr. Wason with Mr. Kitchin.  
 Mr. Dowell with Mr. Tucker.  
 Mr. Rose with Mr. Sisson.  
 Mr. Kennedy with Mr. Fields.  
 Mr. Dickinson with Mr. Weaver.  
 Mr. Larson of Minnesota with Mr. Larsen of Georgia.  
 Mr. Beck with Mr. Rainey of Alabama.  
 Mr. Davis of Minnesota with Mr. Bell.  
 Mr. Bacharach with Mr. Mead.  
 Mr. Rogers with Mr. Driver.  
 Mr. Perlman with Mr. London.  
 Mr. Fenn with Mr. Lee of Georgia.  
 Mr. Knight with Mr. Bankhead.  
 Mr. McArthur with Mr. Smithwick.  
 Mr. Reed of New York with Mr. Griffin.  
 Mr. Ransley with Mr. Hudspeth.  
 Mr. Henry with Mr. Taylor of Colorado.  
 Mr. Robson with Mr. Dupré.  
 Mr. Michaelson with Mr. Sanders of Texas.  
 Mr. Cooper of Ohio with Mr. Hammer.  
 Mr. Coughlin with Mr. Collins.  
 Mr. Vestal with Mr. Taylor of Arkansas.  
 Mr. Stiness with Mr. Kunz.  
 Mr. Cramton with Mr. Goldsborough.  
 Mr. Vare with Mr. Cullen.  
 Mr. Burtness with Mr. Black.  
 Mr. Oipp with Mr. Mansfield.  
 Mr. Nolan with Mr. Clark of Florida.  
 Mr. Fuller with Mr. Drane.  
 Mr. Moore of Ohio with Mr. Kindred.  
 Mr. Hutchinson with Mr. Cantrill.  
 Mr. Glynn with Mr. Blanton.  
 Mr. Johnson of Washington with Mr. Park of Georgia.  
 Mr. Graham of Pennsylvania with Mr. Blanton.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. McKENZIE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

## LEAVE OF ABSENCE.

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent that my colleague, Mr. CARTER, be excused for one day on account of sickness.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## VALUATION OF RAILROADS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

## House Resolution 340.

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 6043, a bill to amend paragraphs entitled "First" and "Second" of section 19a of the Interstate Commerce act, as amended; that in consideration of said bill it shall be in order to move to substitute Senate bill 539 for the House bill, and that the House bill lie upon the table; that there shall be not to exceed three hours of debate upon said bill; that at the conclusion of the general debate the bill shall be read for amendment, whereupon the bill with the amendments, if any, shall be reported back to the House; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution makes in order the consideration of what is known as the railroad valuation bill. That bill provides in substance that in the revaluation of the railways the value of the real estate used by the roads for depot and other purposes may not be taken into consideration.

Mr. WINGO. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WINGO. The rule provides for three hours' debate?

Mr. CAMPBELL of Kansas. I was just going to move or ask unanimous consent to change the time provided for general debate in the rule as reported from three hours to one hour and a half, to be divided as provided in the rule.

The SPEAKER. The gentleman from Kansas asks unanimous consent to amend the rule changing the time of general debate from three hours to one hour and a half. Is there objection?

Mr. BARKLEY. Reserving the right to object, Mr. Speaker, I did not understand how the time was to be divided.

Mr. CAMPBELL of Kansas. To be divided equally between those favoring and those opposing the resolution; 45 minutes to a side, if this agreement is acceded to.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. Has this a unanimous report from the Committee on Rules?

Mr. CAMPBELL of Kansas. It has.

The SPEAKER. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. It has a unanimous report from the Committee on Rules?

Mr. CAMPBELL of Kansas. It has a unanimous report from the Committee on Rules. I understand that the bill made in order does not have a unanimous report from the Committee on Interstate and Foreign Commerce.

I want to take a brief moment here to make a pertinent comment, as I think, on a comment made yesterday upon the Committee on Rules by the gentleman from Virginia [Mr. MOORE] during his discussion.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. CAMPBELL of Kansas. Yes.

Mr. MOORE of Virginia. Will an opportunity be given to reply?

Mr. CAMPBELL of Kansas. The gentleman from Virginia will have no objection to what I have to say. I am not about to comment on Joseph's coat or the journey to Damascus. The gentleman from Virginia referred to the fact that he had in mind amending the rules of the House so as to require the Committee on Rules to report expeditiously on matters reported out by that committee. I wish the gentleman from Virginia could do that. I wish the House could do that. The business now coming to the Committee on Rules practically covers the business of the House. Even the Committee on Ways and Means, the Committee on Appropriations, committees that report privileged business, now come to the Committee on Rules for rules governing the consideration of matters that they have reported out. Practically every resolution, every bill from every committee of the House, is referred to the Committee on Rules and a special rule asked for its consideration.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. In just a moment. Facetious comment has frequently been made about what the chairman of the Committee on Rules carries in his hip pocket or his coat pocket. [Applause.] If the work of the Committee on Rules

continues to grow as it has been growing in the past seven or eight years, there will have to be a calendar for the Committee on Rules instead of a place in the pockets of the chairman for the rules that are reported.

The Committee on Rules does not seek business. Other committees of the House seek the Committee on Rules as soon as they get favorable reports on their bills from the other committees of the House. It has been impossible for the Committee on Rules to secure immediate action on resolutions that have been favorably reported by that committee. The resolution that I have just sent to the Clerk's desk was reported out of the Committee on Rules on the third day of May. I have in my pocket other resolutions reported by that committee on that same day, which I have been unable to present to the House.

Mr. MOORE of Virginia. Will my friend allow me to interrupt him for a minute?

Mr. CAMPBELL of Kansas. Gladly.

Mr. MOORE of Virginia. The resolution which I offered yesterday proposes only two things. I recognize, of course, the great importance of the Committee on Rules, and the way in which it deals with a very large proportion of the business of the House, which is of major interest. These are the two things: First, that when the Committee on Rules adopts a resolution and directs it to be reported, it shall be reported to the House at once for printing, so that the House may know what resolutions have been adopted by the Committee on Rules; second, that the question shall be considered of allowing the House, after the expiration of a definite prescribed period, to determine as a question of privilege whether or not a given resolution shall be considered.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. In just a moment. The suggestions made in the resolution offered by the gentleman from Virginia [Mr. MOORE] are very interesting; but, in the first place, the rules would lose their privileged character immediately upon their being put into the basket and placed on the calendar.

Mr. MOORE of Virginia. I do not contemplate that. The resolution does not provide that.

Mr. CAMPBELL of Kansas. But that act would carry with it the loss of the privileged character of the rule.

Mr. MOORE of Virginia. I think my friend misunderstands the proposition which I have offered. The purpose is not to take away the privileged character of the rules. It is to give information to the House. For instance, the Committee on Rules meets this morning, we will say, and adopts half a dozen resolutions. My thought is that the action of the committee ought to be reported to the House at once and the resolutions printed, and then that the resolutions shall be subject to be called up thereafter by the committee as a matter of privilege, subject to the right of the House, after a reasonable time, to require consideration.

Mr. CAMPBELL of Kansas. A number of years ago there was an attempt to cover the second proposition made by the gentleman from Virginia [Mr. MOORE] by having what was known as the Calendar for the Discharge of Committees, which was on all fours with the proposition contained in the resolution offered by the gentleman from Virginia. There have been, I think, just two bills considered in the last 12 years under a motion to discharge a committee from that calendar. It is a proposition that is wholly impracticable and impossible of application.

Mr. RUCKER. That rule was not intended to expedite business.

Mr. CAMPBELL of Kansas. It could not, as a matter of fact.

Mr. RUCKER. The very language of it made it impossible. That rule was a fraud.

Mr. CAMPBELL of Kansas. A rule could not be made so as to make it possible of practicable application.

Mr. RUCKER. Oh, yes; it could.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. Does the gentleman mean to say that the Committee on Appropriations and the Committee on Ways and Means were asking for rules for the consideration of privileged matters?

Mr. CAMPBELL of Kansas. The Ways and Means Committee have brought in at least three major bills in this session of Congress and each of them has been considered in the House under a special rule.

Mr. WALSH. Were they privileged bills?

Mr. CAMPBELL of Kansas. They were privileged bills.



Mr. WALSH. After all, what the Committee on Rules really needs is a larger wastebasket, is it not?

Mr. CAMPBELL of Kansas. Then the criticism that would go up against the Committee on Rules would be like a thunder storm in comparison to a whisper if the wastebasket were resorted to more than it is now.

Mr. WALSH. The gentleman is not afraid of thunder or lightning?

Mr. CAMPBELL of Kansas. No.

Mr. WALSH. If he were afraid he ought not to be chairman of that committee.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. The gentleman spoke about special rules for the Ways and Means Committee. If he had put those rules in the wastebasket the House would have had a better opportunity to consider the bills reported from the Committee on Ways and Means. It was not necessary to have special rules in order to get those major measures before the House. The purpose of those rules was to restrict the House in the consideration of those major measures.

Mr. CAMPBELL of Kansas. But notwithstanding that, the Committee on Rules was asked for a special rule, and the Committee on Rules is created in order to aid the House in doing what the House wants to do.

Mr. GARNER. Will the gentleman yield for another question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. What percentage of the special rules reported by the Committee on Rules are governed by the wishes of the steering committee?

Mr. CAMPBELL of Kansas. The Committee on Rules takes into account the bills that the steering committee has shifted into a place for privileged consideration. Then the Committee on Rules provides the machinery whereby the bill may be considered.

Mr. GARNER. I did not know but what the gentleman might have avoided some of the thunder and lightning referred to by the gentleman from Massachusetts by shielding behind the steering committee.

Mr. CAMPBELL of Kansas. No; the Committee on Rules does not need any shield.

Mr. MOORE of Virginia. I am not going to engage in any contest between the gentleman from Massachusetts [Mr. WALSH], who favors the wastebasket, and the gentleman from Kansas [Mr. CAMPBELL], who favors the hip pocket. [Laughter.] What I wish to say is that for the life of me, notwithstanding all that my friend has said, I can not understand why the House should not be advised and given very timely information of the action of the Committee on Rules without interfering at all with the future privileges of the committee.

Mr. CAMPBELL of Kansas. That might well be done, but the second proposition would be wholly impracticable.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. I did not entirely understand the gentleman's statement. I was away for a short time, but I did not know that the Ways and Means Committee had presented any matter to the Rules Committee which the Speaker was ready to hold privileged.

Mr. CAMPBELL of Kansas. It was not a question whether the Speaker would hold it privileged or not. The Ways and Means Committee reported the tariff bill, which was entirely privileged.

Mr. KINCHELOE. And the bonus bill.

Mr. CAMPBELL of Kansas. The bonus bill and two tariff bills and all were considered under special rules.

Mr. GARNER. And the internal revenue bill.

Mr. CAMPBELL of Kansas. And the internal revenue bill.

Mr. GARNER. To which all amendments were cut off at the suggestion of the gentleman from Iowa [Mr. GREEN]. [Laughter.]

Mr. CAMPBELL of Kansas. Never mind about that.

SEVERAL MEMBERS. Vote! Vote!

Mr. CAMPBELL of Kansas. I do not care to take any more of the time of the House. I have stated some of the conditions with which the Committee on Rules is confronted that apparently have not been appreciated by the membership of the House generally. Did the gentleman from Arkansas rise to ask me a question?

Mr. WINGO. I did want to ask the gentleman a question, but a gentleman on the other side who constantly uses time was yelling "Vote" so loudly that he absolutely jarred the question out of my head, and I do not know what it is. [Laughter.]

Mr. CAMPBELL of Kansas. Then I move the previous question on the resolution.

The SPEAKER. The gentleman moves the previous question. The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. NEWTON of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 539, to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. BARKLEY. Pending that I should like to make an inquiry about the control of the time. I understand the rule says it shall be equally divided between those for and against the bill, but it does not provide who shall control the time.

Mr. CAMPBELL of Kansas. I suggest that the time be controlled one half by the gentleman from Minnesota and the other half by the gentleman from Kentucky.

Mr. MERRITT. Mr. Speaker, I put in a minority report and I think I ought to control one-half of the time. I am the only member of the committee opposed to the bill.

The SPEAKER. The rule does not provide who shall control the time.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent that the time be equally divided between those in favor of the bill and those opposed.

Mr. BARKLEY. The rule provides for that, that the time shall be divided between those in favor and those opposed to the bill.

The SPEAKER. The rule does not provide for the division of time; it says that there shall not be exceeding one and a half hours' debate. That is all it says. The gentleman from Minnesota asks unanimous consent that the hour and a half shall be divided equally between those who favor the bill and those who oppose the bill.

Mr. BARKLEY. That does not settle the question that I asked to have settled as to who is to control the time.

Mr. MONDELL. Would it not be well to have the time controlled one half by the gentleman from Minnesota and one half by the gentleman from Kentucky?

Mr. MERRITT. But the gentleman from Kentucky is in favor of the bill.

Mr. BARKLEY. I am willing to make any kind of an agreement that will give the gentleman from Connecticut all the time he wants. I would like to have the opportunity to yield some time.

Mr. MERRITT. If the gentleman from Connecticut is put in control of one-half of the time, he will be liberal in yielding time to the gentleman from Kentucky.

Mr. BARKLEY. I do not think the tail ought to wag the dog. Why can not we divide the time into three parts, give the gentleman from Connecticut 30 minutes, the gentleman from Minnesota 30 minutes, and I control 30 minutes?

Mr. WALSH. That is giving 60 minutes to those who favor the bill and 30 minutes to those who oppose.

Mr. BARKLEY. Mr. Speaker, I will ask unanimous consent that the time be divided into three parts, 30 minutes to be controlled by the gentleman from Connecticut, 30 minutes by the gentleman from Minnesota, and 30 minutes by myself.

Mr. WALSH. I will object to that, Mr. Speaker, before the request is put. The gentleman from Connecticut is a member of the committee and opposed to the bill, and he ought to have control of the time in opposition to the bill. If there are no others opposed to it he can yield to some one in favor of the bill, but we ought not to depart from the practice that a member of the committee opposing the bill shall control the time.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut may control 45 minutes, the gentleman from Minnesota [Mr. NEWTON] 25 minutes, and I control 20 minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the gentleman from Connecticut may control 45 minutes, the gentleman from Minnesota 25 minutes, and the gentleman from Kentucky 20 minutes. Is there objection?

Mr. HUDDLESTON. I object.

Mr. WINGO. Mr. Speaker, I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6043.

Mr. NEWTON of Minnesota. Mr. Speaker, I submitted a unanimous-consent request.

The SPEAKER. That was objected to; the regular order was demanded.

The motion of Mr. NEWTON of Minnesota to go into Committee of the Whole House on the state of the Union was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 6043) to amend paragraphs entitled "first" and "second" of section 19a of the interstate commerce act, as amended.

Mr. NEWTON of Minnesota. Mr. Chairman, I move that the bill S. 539 be substituted for H. R. 6043, and that it be considered as provided under the rule.

Mr. WINGO. Mr. Chairman, does the rule provide for that peculiar motion?

The CHAIRMAN. The rule provides that the Senate bill may be offered in lieu of the House bill and that the House bill lie on the table.

Mr. WINGO. That it be offered as an amendment or in lieu?

The CHAIRMAN. In lieu.

Mr. WINGO. Here is what I am trying to get at. The gentleman makes the motion before we begin general debate.

The CHAIRMAN. Before general debate begins, so that general debate will be on the Senate bill.

Mr. WINGO. Will the Senate bill be considered as one amendment?

The CHAIRMAN. No; the Senate bill will be considered as a separate bill.

Mr. WINGO. Then the effect of this motion the Chair will hold is that we consider the Senate bill in lieu of the House bill?

The CHAIRMAN. That is the manner in which it will be considered. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the Senate bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the paragraph entitled "First" of section 19a of the interstate commerce act, as amended, is amended by inserting after the words "In such investigation said commission shall ascertain and report in detail as to each piece of property" the words and commas following: "other than land,"; so that said paragraph as amended shall read as follows:

"First. In such investigation said commission shall ascertain and report in detail as to each piece of property, other than land, owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values."

Sec. 2. That the paragraph entitled "Second" of said section 19a is amended by striking out the comma after the words "and the present value of the same," and inserting a period in place thereof, and by striking out the words "and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value" at the end of said paragraph, so that said paragraph as amended shall read as follows:

"Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purpose of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same."

Mr. MAPES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. Under the rule, who is to control the time in the one hour and a half of general debate?

The CHAIRMAN. The Chair will probably have to make recognition under the general rules of the House.

Mr. MAPES. And it will be distributed as the Chair sees fit?

The CHAIRMAN. There was a unanimous-consent agreement, as the Chair recalls, submitted by the chairman of the Committee on Rules when introducing the resolution, asking that the time be equally divided between those favoring and those opposing the bill, and that request was put when the time was reduced from three hours to one hour and a half. That unanimous-consent agreement was agreed to. The chairman of the Committee on Rules had overlooked the fact that the rule did not itself divide the time between those favoring and those opposing the bill.

Mr. MAPES. The gentleman from Minnesota [Mr. NEWTON] submitted a unanimous-consent request such as the chairman has stated to the Speaker pending his motion to go into the Committee of the Whole, but that was not agreed to.

The CHAIRMAN. The Chair recalls that the chairman of the Committee on Rules submitted a request that the time be reduced from three hours to one hour and a half, to be equally divided between those favoring and those opposing the bill, and

that unanimous-consent agreement was agreed to. That would enable the Chairman to recognize the gentleman from Minnesota or any other gentleman favoring the bill, and any gentleman opposing the bill, under the agreement.

Mr. MAPES. As I understand it, the Chair fixes the time that he will allow any one Member to speak?

The CHAIRMAN. Within that time; and the Chair will endeavor to divide the time so that those opposing may have half the time and those favoring may have half the time.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. If a member of the committee is opposed to the bill, is he entitled to priority of recognition?

The CHAIRMAN. Certainly. Recognition will be made under the general rules of the House.

Mr. BARKLEY. Mr. Chairman, would any gentleman who is recognized be recognized for 5 minutes or for 45 minutes? For instance, the gentleman from Connecticut is opposed to the bill. If he is recognized will he be recognized for the full 45 minutes or for 5 minutes?

The CHAIRMAN. That would be determined largely by the gentleman from Connecticut. He would have control of the 45 minutes if he saw fit to take them.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Under the rules of the House a gentleman who is recognized is entitled to an hour.

The CHAIRMAN. No; the time has been divided between those favoring and those opposed to the bill.

Mr. MONDELL. The time has been divided, but the division of the time does not affect the general rule that the gentleman who is recognized is entitled to an hour.

The CHAIRMAN. The Chair holds otherwise under the rule under which the bill is now being considered. A gentleman would not be entitled to over 45 minutes, if he was favoring or opposing the bill.

Mr. MONDELL. But before the Chair decides that I think the matter should be carefully considered. This is a rather important decision. The rule entitling a gentleman to an hour is an old and long-established rule of this House. I am sure the chairman does not want to overturn that without due consideration. I think, under the agreement entered into, that the gentleman first recognized would not be authorized to use more than half of the entire time favorable to the bill, but I question whether the arrangement with regard to the division of time takes the control of the hour from the gentleman who was recognized.

The CHAIRMAN. Let the Chair ask the gentleman from Wyoming a question. There was a unanimous-consent agreement that the time be equally divided between those favoring and those opposing the bill. The time was limited to one hour and a half for general debate. Under those circumstances could any gentleman secure the floor for one hour?

Mr. MONDELL. I think so.

The CHAIRMAN. The Chair disagrees with the gentleman from Wyoming, under the unanimous-consent agreement entered into.

Mr. MONDELL. May I make this suggestion? I have been here some time, and I think this is the first time that any occupant of the chair has held that without some definite, specific provision to the contrary, which this division of time is not, in my opinion, the gentleman first recognized in general debate is not entitled to one hour.

Mr. WALSH. Mr. Chairman, will the gentleman yield to a question?

Mr. MONDELL. Certainly.

Mr. WALSH. Does the gentleman have in mind the fact that when the rule was amended and the time reduced from three hours to an hour and a half it was accompanied by a provision that the time should be equally divided between those in favor and those against?

Mr. MONDELL. I do, and I think that the gentleman first recognized is bound by that agreement, but I do not think that deprives him of the control of his hour.

Mr. WALSH. How can the previous agreement of the House, entered into by unanimous consent, be carried out in committee?

Mr. MONDELL. By the gentleman who has the hour yielding a portion of his time. I do not think you can set aside the old rule of one hour in this way. This is a rather important question. I certainly want a proper division of time here, and I am sure everyone does, but I do not believe that a standing, long-established, well-understood rule of the House can be set aside by a mere unanimous-consent agreement with regard to the division of time as between those for and against a proposition.



Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GRAHAM of Illinois. Suppose the gentleman from Minnesota [Mr. Newton] is recognized by the Chair for an hour. He is for the bill. Suppose he decides to take the whole hour himself, discussing the bill; must he stop when he gets through his 45 minutes?

Mr. MONDELL. That is for him to determine.

Mr. GRAHAM of Illinois. Oh, no; it would be for the House to determine.

Mr. MONDELL. Under the rule, as to how he shall yield and when is for him to determine. He might use five minutes.

Mr. LAYTON. Then, what is the virtue of a unanimous-consent agreement on the part of the House?

Mr. MONDELL. The unanimous-consent agreement should be carried out, will be carried out; I have no manner of doubt about that.

But I do not think that sets aside the rule of the House relative to the control of time.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CHINDBLOM. Mr. Speaker, my recollection is that when the chairman of the Committee on Rules presented the rule he asked unanimous consent to amend the rule providing that there should be debate of one and a half hours to be divided equally between those for and those against the legislation. The result of that is that this last agreement is not a unanimous-consent agreement in the ordinary sense. It is under the special rule adopted by the House which contravenes all rules of the House, does it not?

Mr. MONDELL. My understanding is that that was a unanimous-consent agreement.

Mr. CHINDBLOM. No; he asked unanimous consent to make it part of the resolution coming from the Committee on Rules.

Mr. MONDELL. Well, I did not understand that, and I am not sure that that changes the situation any. I do not quite understand that in view of the fact that the gentleman from Minnesota submitted a request for a division of time, because the gentleman from Minnesota was here and must have heard all the discussion.

Mr. CHINDBLOM. I will say I distinctly heard the request of the chairman of the Committee on Rules.

Mr. WINGO. If the gentleman will yield, does not the gentleman overlook the fact that the object of the rule itself is to change the general rules of the House for the purpose of considering this particular bill?

The CHAIRMAN. The Chair wants to make it clear that there is nothing unusual in the ruling heretofore made. If the time in the rule had been five hours instead of an hour and a half to be equally divided and controlled by the two gentlemen, the Chair would have recognized the gentleman from Minnesota for two and a half hours in favor of the bill and some other gentleman for two and a half hours in opposition; but the agreement being for 45 minutes on a side the Chair will recognize, there being no division of time, those who rise in favor of the proposition and those who rise in opposition to it, and—

Mr. MONDELL. If the Chair will permit, I think the Chair did not intend to convey the impression that his words did. If the rule had provided for five hours of debate and had made no provision for the control of time the Chair could not have recognized some gentleman for two and a half hours and another gentleman for two and a half hours. The Chair would have recognized some gentleman for an hour.

The CHAIRMAN. We have been operating under rules which divided the time between gentlemen favoring and those opposed to a measure. Whether it was an hour and a half on a side, or two hours, gentlemen in favor of the bill have been recognized to control the time in favor, and gentlemen opposed to the bill have been recognized in opposition to the bill. In this case there is no agreement as to the persons who shall control the time, and, therefore, the Chair will have to control the time when gentlemen rise, whether they are favoring or opposing the bill. The gentleman from Minnesota.

Mr. NEWTON of Minnesota. Mr. Chairman, will I be recognized for 45 minutes, with the right to reserve and yield?

The CHAIRMAN. The Chair will recognize the gentleman with the right to yield. The Chair will recognize the gentleman for 45 minutes, and at the conclusion of that time a gentleman opposed to the bill would be recognized for the remainder of the time.

Mr. MAPES. Mr. Chairman, a point of order.

The CHAIRMAN. If the gentleman from Minnesota should desire to use the entire 45 minutes, it is up to him.

Mr. JOHNSON of Mississippi. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. If the gentleman desires to control the time he may use the time or yield it.

Mr. JOHNSON of Mississippi. That is the parliamentary inquiry I proposed to propound.

Mr. NEWTON of Minnesota. Mr. Chairman, I hope this is not taken out of my time.

Mr. WALSH. It is.

Mr. NEWTON of Minnesota. Then I can not yield.

Mr. JOHNSON of Mississippi. I am not asking the gentleman, but I want to know of the Chairman if Mr. NEWTON can yield to his colleagues on the committee if he so desires.

The CHAIRMAN. The Chair did not understand the parliamentary inquiry.

Mr. JOHNSON of Mississippi. The Chair has ruled two or three times on the question and I do not understand it, and I want to know if Mr. NEWTON can yield to any of his colleagues if he so desires.

The CHAIRMAN. If he takes 45 minutes he can use it or yield it.

Mr. MAPES. Mr. Chairman, I make a point of order.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask to be notified at the end of 10 minutes.

The CHAIRMAN. The gentleman from Michigan will state his point of order.

Mr. MAPES. I want to ask if I understood that the chairman of the committee under the ruling has control of the time and it is his duty to control it as he sees fit? I have no objection if he wants to give time to the gentleman from Minnesota, but under the ruling I think it is plain that it is the duty of the chairman of the committee to control the time, dividing it equally between those in favor of the bill and those opposed to it.

Mr. JOHNSON of Mississippi. I understand the gentleman is not going to take all the 45 minutes.

Mr. NEWTON of Minnesota. No.

Mr. WALSH. Does the gentleman contend that the chairman of the committee can permit the gentleman from Minnesota—

Mr. WINGO. I make the point of order that the Chair has already ruled on this.

Mr. WALSH. To speak for 45 minutes.

Mr. MAPES. The only limitation on the chairman of the committee in distributing time is that he shall allow it to those in favor of the bill and to those against it. It is his duty first to recognize members of the committee within that limitation, and it is his duty to control the time within that limitation.

The CHAIRMAN. This is the rule under which the debate is to be conducted. The chairman of the Committee on Rules made this request, speaking of the time:

To be divided equally between those favoring and those opposing the resolution, 45 minutes to a side, if this agreement is acceded to.

The SPEAKER. The gentleman from Kansas asks unanimous consent to amend the rule, changing the time of general debate from three hours to one hour and a half. Is there objection?

Mr. MAPES. Mr. Chairman, I would like to follow what I said by this:

The ruling of the Chairman, as I understand it, would be overriding the attempted action of the House of Representatives when the gentleman from Minnesota submitted the unanimous-consent request that he control one half of the time and the gentleman from Connecticut [Mr. MERRITT] the other half. Now, that was objected to. So we passed back into the committee with the chairman of the committee controlling the time, simply limited by the provision that he shall allow one half of it to those who favor and one half to those who oppose the bill.

The CHAIRMAN. The situation is this: We fall back upon the general rules of the House. The gentleman from Minnesota [Mr. NEWTON] is seeking recognition first. If the time were one hour, he would have it. He has only 45 minutes on his side of the question, and if he can not enter into an agreement with his colleagues on the committee the Chair, of course, has no discretion as to when to call the gentleman from Minnesota down until the expiration of the 45 minutes. It is up to the gentleman from Minnesota. The gentleman is recognized.

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, the bill before us seeks to amend in two vital particulars the valuation act, passed by Congress in 1913. There is no more opportune time for considering such legislation than the present. Everyone is complaining of the present high freight rates and their detrimental effect upon business and industry.

In approaching this question of rates it must be remembered that the courts have held from time immemorial that rates must be just and reasonable to both the carrier and shipper.

In an endeavor to arrive at what is a just and reasonable rate and what will bring a fair return the question of the value of the property used for carrier purposes is most important. In *Smythe v. Ames* (169 U. S. 546), the Supreme Court of the United States said the following:

We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public.

The valuation of the property used for transportation purposes is, therefore, of fundamental importance. Later on, in the same case, the court said:

And in order to ascertain that value the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses are all matters for consideration and are to be given such weight as may be just and right in each case.

The general rule as to valuation as laid down by the courts is the cost of reproduction, less such depreciation as may have been caused by using the property for transportation purposes.

In an endeavor to obtain trustworthy information as to the physical valuation of the property used by the railroads of the country for carrier purposes, Congress in 1913 passed the valuation act. I quote from the first and second paragraphs thereof:

First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned and used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Mr. RAKER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I prefer not to yield until I get through with my statement.

Provision is therefore made for the ascertaining and determining of the evidentiary facts from which the real worth and value of the property of the carrier can be determined. To this end provision is made for a tentative valuation and service of the same upon the carrier, with the right of a judicial review if the carrier is not satisfied with the tentative valuation served. Since the passage of the act the Interstate Commerce Commission has been engaged in this work, and several millions of dollars have been appropriated and expended for that purpose.

In 1920 Congress passed the transportation act, conferring upon the Interstate Commerce Commission the duty of establishing such rates that the carriers in a certain rate group would, under efficient management, and so forth, "earn an aggregate annual net railway operating income, equaling as nearly as may be to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation." The enactment of this legislation furnishes an added reason for obtaining the true worth and value of railroad property.

The first section of the valuation act requires the commission to define in detail as to the property used for carrier purposes the following:

- A. Original cost.
- B. Cost of reproduction new.
- C. Cost of reproduction less depreciation.

The present bill seeks to so word this paragraph as to make it not to apply to land. This is done by inserting after the word "property" the words "other than land."

The second paragraph requires the commission in its report to state in detail and separately from improvements the following:

- A. Original cost of all land, etc., used for carrier purposes as of time of dedication to public use.
- B. Present value thereof.
- C. Separately, original and present cost of condemnation and damages or purchase in excess of such original cost or present value.

This bill seeks to amend this paragraph by doing away with the necessity of ascertaining anything but the original cost and present value of the land. This is done by inserting a period

after "present value of the same" and striking out the remainder of the paragraph and its reference to "excess of cost of acquisition."

The passage of the valuation act was followed by the decision of the Supreme Court in the *Minnesota Rate* case, which will be found in Two hundred and thirtieth United States, page 352. In this opinion the court condemned this principle of the excess of the cost of acquisition of real property as a basis of value for rate-making purposes. I quote from the decision of the court herewith:

The company would certainly have no ground for complaint if it were allowed a value for these lands equal to the fair average market value of similar land in the vicinity, without addition by the use of multipliers or otherwise, to cover hypothetical outlays. The allowances made below for a conjectural cost of acquisition and consequential damages must be disapproved.

As a result of this decision the Interstate Commerce Commission never ascertained this excess cost of the acquisition of new land. The commission proceeded to ascertain the value of the various railroad lands without regard to this provision. They so valued the Kansas City Southern Railway system and served a tentative valuation without these figures upon that road. The railroad company brought mandamus proceedings against the commission to compel the commission to find and report this excess cost of acquiring land. The case finally reached the Supreme Court. It will be found in Two hundred and fifty-second United States, page 178. In this case the court in nowise qualified its opinion in the *Minnesota Rate* case as to the unreliability and lack of worth of such information for rate purposes. But the court said that "Congress undisputably had the authority to impose upon the commission the duty in question"; and that the commission was not at liberty to disobey the express mandate of Congress, even if in its judgment the information was valueless or deficient or impossible to acquire.

The commission has been asking Congress to change the law ever since that time. The question before this House is whether we feel that this excess of cost over original cost of acquiring real property is a proper element upon which to find value for rate making or other purposes. It must be remembered that this amendment applies only to land valuation. There is no attempt to amend the law as to personal property or as to improvements upon the land. The cost of reproduction theory should not apply to land. You can not reproduce land; neither does land depreciate with use.

The courts have held that without regard to the original cost the carrier is entitled to have the present value of his property considered. Again I quote from the *Minnesota Rate* cases (p. 454):

It is clear that in ascertaining the present value we are not limited to the consideration of the amount of the actual investment. If that has been reckless or improvident, losses may be sustained which the community does not underwrite. As the company may not be protected in its actual investment, in the value of its property being plainly less, so the making of a just return for the use of the property involves the recognition of its fair value if it be more than its cost. Properties held in private ownership, and it is that property, not the original cost of it, of which the owner may not be deprived without due process of law.

This gives the railroad company, therefore, the benefit of what is known as the unearned increment, which, added to the original cost of the property, equals the present value thereof.

This is the way the commission arrives at the present value of railroad land. I quote from their decision in the *Texas Midland* case:

The present value is arrived at by ascertaining the number of acres of land owned or used by the carrier for its purposes as a common carrier, and multiplying this acreage by market value determined from the present market value of similar adjacent and adjoining land. Due allowance is made for any particular value which may attach by reason of peculiar adaptability of the land to railroad use. Nothing is included for the expense of acquisition, nor for severance damages, nor for interest during construction.

The railroads, however, are not content with present value as a rate basis. They want the commission to take into consideration a certain fictitious value which is in excess of the present value. Let me illustrate. Here is a railroad right of way of 100 acres. The original cost of acquisition was \$10 per acre, or \$1,000 for the tract. The original cost, therefore, would be \$1,000. To-day the market value of adjoining farm land is \$20 per acre. If there are 100 acres in the right of way, the present market value of the right of way is \$2,000. This is the method of valuation that the Supreme Court approved in the *Minnesota Rate* case. This is the valuation method that the commission used until the decision in the *Kansas City Southern* case. The railroad, however, is not content with this method of valuation. It wants to add to this what it would cost now to condemn 100 acres from this farming country, now worth



double its original value. This present value would not be there if there had not been a railroad. There could not have been a railroad without the railroads originally acquiring the land upon which the road was built, and the cost of acquisition of this land, of course, is already figured in the value not only as to the original cost but in the present value, for the present value is made up in part by the original cost of acquisition. Of course, there is no question but what to-day if the railroad wanted an additional acre it might possibly cost much more than \$20 per acre to acquire this particular tract. This would depend altogether upon the circumstances. There is no way of telling who would sell fairly or unfairly. One man might force the railroad to the expense of condemnation proceedings and another might not. It is all speculative and mere guesswork. To arrive at it you must assume that where there is a railroad there is none. One thing is certain: The present value of farm land is, in part, due to the railroad, which originally acquired its land from the adjoining farm land. If there were no farms, there would be no railroads. One is dependent upon the other. The cost of acquisition, as I have said, is already figured in arriving at the present value of the land. It helps make up that value. If that is the case, why, then, again figure this cost of acquisition? I again quote from the opinion of Mr. Justice Hughes in the Minnesota Rate case:

It is contended that the valuation was made upon a wrong theory; that it is a speculative estimate of cost of reproduction; it is largely in excess of the market value of adjacent or similarly situated property; that it does not represent the present value in any true sense, but constitutes a conjecture as to the amount which the railway company would have to pay to acquire its right of way in yards, in terminals, or an assumption inadmissible, that while the railroad did not exist, all other conditions, with respect to the agricultural and industrial development of the State and the location, population, and activities of towns, villages, and cities were as they now are.

Mr. Justice Hughes then proceeds to condemn the cost of reproduction method in valuing land for rate-making purposes, and in so expressing his disapproval uses the following language:

It is manifest that an attempt to estimate what would be the actual cost of acquiring the right of way if the railroads were not there is to indulge in mere speculation. The railroad has long been established. To it have been linked the activities of agriculture, industry, and trade. Communities have long been dependent upon its service, and their growth and development have been conditioned upon the facilities it has provided. The uses of property in the communities which it serves are to a large degree determined by it. The values of property along its line largely depend upon its existence. It is an integral part of the communal life. The assumption of its nonexistence and at the same time that the values that rest upon it remain unchanged is impossible and can not be entertained. The conditions of ownership of the property and the amounts which would have to be paid in acquiring the right of way, supposing the railroad had to be removed, are wholly beyond reach of any process of rational determination. The cost of reproduction method is of service in ascertaining the present value of the plant when it is reasonably applied and when the cost of reproducing the property may be ascertained with the proper degree of certainty. But it does not justify the acceptance of results which depend upon mere conjecture.

This is what the Supreme Court of the United States thinks of the method of valuation set forth in existing law. But they hold that Congress has in plain words ordered that method of valuation and that the Interstate Commerce Commission must carry that order until it is changed. It is the law until we change it.

This condemned method of valuation the Interstate Commerce Commission has been following since the decision of the Supreme Court in the Kansas City Southern case. Let me illustrate just how it works out.

The commission, under the terms of the transportation act and in the proceedings known as Ex parte 74, for rate purposes made a tentative valuation of \$18,900,000,000 as the aggregate value of the railroads of the country. More than 12½ per cent of this valuation is in lands only, as distinguished from lands with improvements figured in. In other words, the real estate alone, without improvements, figure up 12½ per cent of the total valuation of the railroads' property. Twelve and one-half per cent of this amount equals a sum approximating \$2,000,000,000. It must be borne in mind that this tentative valuation of \$18,900,000,000 was arrived at by ascertaining the present value without any additions for the excess cost of acquisition new of land over and above the original cost. So that the lands at the present fair market value are worth \$2,000,000,000. If the commission, in figuring this valuation, followed the valuation act as to excess cost, as that act has been interpreted by the Kansas City Southern case, the valuation would have been much higher, and this would have meant higher freight and passenger rates. Let me illustrate the differences in the valuation as between the original cost, present value, and present value plus excess cost, in reference to but one railroad property, the Kansas City Southern system.

	Original cost.	Present value.	Excess above present value.	Present value plus excess.
Kansas City Southern Ry.....	\$2,232,549	\$2,609,155	\$2,735,490	\$5,344,645
Texarkana & Fort Smith (Arkansas and Texas).....	121,828			
Texarkana & Fort Smith (Arkansas).....		117,961	161,017	278,978
Texarkana & Fort Smith (Texas).....		645,980	579,315	1,225,295
Kansas City, Shreveport & Gulf.....	241,203	522,746	539,933	1,062,679
Kansas City, Shreveport & Gulf Terminal.....	16,795	34,851	26,236	61,117
Maywood & Sugar Creek.....	6,550	8,729	9,768	18,497
Fort Smith & Van Buren.....	25,388	7,870	11,570	19,440
Poteau Valley.....	983	828	1,686	2,514
Arkansas Western.....	3,573	10,720	17,350	28,080
Port Arthur Canal & Dock Co. (leased).....	52,842	278,695	271,989	550,684
	2,701,711	4,495,283	4,362,566	8,858,851

The first column contains the figures for the original cost; the next column contains the present value at market prices. The third column is the excess of cost over and above the present market value. The last column is the present market value plus this excess of cost, including cost of condemnation, damages, and so forth. This is for lands which originally cost the railroad \$2,700,000 and which the commission appraised at a fair market value of \$4,500,000. If the law is not changed, the railroad will be able to have considered a valuation of at least \$8,858,000.

However, the Kansas City Southern was not even satisfied with this apparently excessive figure. They filed a protest against the latter figure. I quote from their protest, as follows:

The commission's estimate of the cost of acquisition is inadequate and insufficient. The cost of acquisition of the carrier's land, exclusive of interest, taxes, and incidental cost of acquisition, is not less than double the so-called present value of said lands as determined by the commission.

The present value as found by the commission was four and one-half million dollars. The carrier wants the excess above the present value figured at \$9,000,000, which would make a total for present value, plus excess, of \$13,500,000 for valuation purposes, as against an original cost of \$2,700,000. This would be using, therefore, for valuation purposes a multiple of three. The railroad companies therefore are not content with a profit upon the actual investment—the original cost—or upon the present value with its unearned increment, but they insist upon a fictitious value which is greater by far than the present value. They do this in spite of the fact that the reproduction-new theory as to land as applied to land has met with the expressed disapproval of the Supreme Court.

The multiplier used by the Interstate Commerce Commission I shall ask leave to have inserted as an appendix to my remarks. This excess of cost runs from 55 per cent over and above the present value to 200 per cent. This is figured from 55 per cent to 100 per cent as to city property and up to 200 per cent as to suburban and farm property. To the land where adjoining the right of way is city property the commission must add at least 55 per cent to the present fair market value. If the land adjoining the right of way is in the country the commission, following this multiple plan, may add up to 200 per cent.

Let me apply this to the present railroad rate situation. The present value of all railroad land, not including improvements, is \$2,000,000,000. Present rates are based upon this valuation. If a multiplier of 2 is used the value of these lands would be \$4,000,000,000. If a multiple of 3 is used—this is the multiple contended for by the railroads in the Minnesota rate case and the Kansas City Southern case—the value of the land alone would be increased to \$6,000,000,000. The Interstate Commerce Commission have just held that a fair return under the provisions of the transportation act is 5½ per cent on the aggregate value of the railroad property devoted to transportation purposes. Five and three-fourths per cent on \$2,000,000,000 is \$115,000,000. If the multiple of 2 is used and the value is increased \$2,000,000,000 an additional revenue would be required of \$115,000,000. If a multiple of 3 is used additional revenue would be required of \$230,000,000. This increased revenue could only be obtained through a material increase in both freight and passenger rates. To advocate this at a time when the whole country is feeling the effects of the present high rates seems absurd.

This would bring other absurd results. For example, the Texas Midland Railroad on valuation date of June 30, 1914, was capitalized for \$2,622,000, made up of bonds to the extent

of \$2,000,000, outstanding stock \$122,000, and \$500,000 due the Texas Midland Construction Co. which had never been capitalized by the actual issuance of stock. The cost of reproduction new, less depreciation of the Texas Midland, other than land, as shown by the commission's valuation report, is \$2,597,000, or without depreciation, \$3,461,000. If this road should be valued upon the basis of the multiple requested by the Kansas City Southern road the value would be \$3,384,000 or \$4,248,000, as deduction is or is not made for depreciation. Deduct the bonds at par from the value found, and the stock equity in the property will be \$1,384,000 if depreciation is deducted, or \$2,248,000 without such deduction, making in each case, respectively, for stock, \$209, or \$367 per share of \$100. The evidence submitted to the committee at the hearings was to the effect that this stock had never yet paid a dividend. It has no market value, so far as could be ascertained. Surely such a method of valuation should not be countenanced by this Congress.

Mr. WINGO. Will the gentleman yield there?

Mr. NEWTON of Minnesota. I will.

Mr. WINGO. If you amend the law, as proposed by this bill, then thereafter in fixing the value of any railroad you will take the replacement value determined by the acreage value of the surrounding farms instead of taking the replacement value of condemnation proceedings? Is that the idea?

Mr. NEWTON of Minnesota. Exactly.

Mr. WINGO. In other words, you propose to go back to the rule that was contrary to the one that was contended for by the railroads prior to the Kansas City Southern decision?

Mr. NEWTON of Minnesota. We propose to place this law squarely with the ruling of the Supreme Court in the Minnesota Rate case, where the railroads made the same contention.

Mr. WINGO. This bill is contrary to the Kansas City Southern rule?

Mr. NEWTON of Minnesota. Yes; this bill is contrary to the rule which the Supreme Court in the Kansas City Southern case said Congress had prescribed, but it is in accord with the principle or rule in the Minnesota Rate case.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. NEWTON of Minnesota. Yes.

Mr. BARKLEY. This bill relieves the commission from doing what the decision in the Kansas City Southern case said they had to do, which, after they had done it, was of no value to them in complying with the Minnesota Rate case?

Mr. NEWTON of Minnesota. The gentleman is correct.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. NEWTON of Minnesota. Yes.

Mr. MOORE of Virginia. As I look at it now, I am for the bill. As I understand the present law, the commission is required to ascertain the value of the land at the time it was dedicated to the use of the public and was acquired by the railroad?

Mr. NEWTON of Minnesota. That is correct.

Mr. MOORE of Virginia. And the present value of the land?

Mr. NEWTON of Minnesota. Yes.

Mr. MOORE of Virginia. You propose to stop at that?

Mr. NEWTON of Minnesota. Yes.

Mr. MOORE of Virginia. The present law also requires two things additional; that is, it requires the commission to ascertain the condemnation value of the land at the time it was acquired by the railroad company and the present condemnation value of the land. Those two things you strike out, because they contemplate what is useless or, at least, impracticable.

Mr. NEWTON of Minnesota. The condemnation value at the time of acquiring the right of way.

Mr. MOORE of Virginia. You retain the following language:

Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use and the present value of the same.

Your bill stops there. The existing law goes on further, and you strike out the following portion of the existing law:

And separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value—

Your contention is that for the commission—and the commission has said so itself, and the court has said so—your contention is that for the commission to try to ascertain the condemnation values as of the past and of the present is an unprofitable and vain thing, and does not assist in getting at the real value?

Mr. NEWTON of Minnesota. The gentleman is correct.

Mr. HOCH. Mr. Chairman, will the gentleman yield there?

Mr. MOORE of Virginia. Yes.

Mr. HOCH. Where there was an original condemnation cost, that is included in the cost?

Mr. MOORE of Virginia. Yes; the original cost.

Mr. HOCH. So that there is no disposition to take out the condemnation costs where there was an original cost?

Mr. MOORE of Virginia. No. You would leave the commission to ascertain the original value—or, rather, cost—and the present value of the land.

Mr. HOCH. Yes; but not the excess of present condemnation.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. PARKER of New Jersey. The gentleman has not discussed what would be done when, instead of running through farm lands, the railroads should run through a city, from block to block. Then you would assess the improvements?

Mr. NEWTON of Minnesota. Those improvements were caused by the railroad going through there and the people having the patronage of the railroads. The present value is represented in the market value of the property.

Mr. PARKER of New Jersey. Is that followed the same as if it were land occupied by a house next door?

Mr. NEWTON of Minnesota. The land as distinguished from improvements on the land is so followed, and that is what the Supreme Court upheld in the Minnesota Rate cases. That is the method of valuation. This bill only applies to land as such and not to structural improvements.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. DOWELL. I understand that in this bill you eliminate entirely the present condemnation value of the land?

Mr. NEWTON of Minnesota. The gentleman has stated it correctly.

Mr. DOWELL. You leave the original condemnation cost only where that represented the only measure of the cost?

Mr. NEWTON of Minnesota. As the gentleman from Kansas stated it, the commission must ascertain the original cost. That may mean condemnation cost or purchase cost. That is not included.

Mr. FROTHINGHAM. Value or cost?

Mr. NEWTON of Minnesota. Yes.

Mr. CHINDBLOM. Where it was the condemnation cost the commission may still take that figure?

Mr. NEWTON of Minnesota. Yes.

To sum up: Congress has heretofore passed a law—the valuation act—which requires the commission to ascertain and report incompetent and irrelevant evidence as to the value of railroad land. This bill says that such evidence need not be further gathered and what has been gathered need not be considered by the commission or be presented in court by the commission in any valuation proceedings. Of course, if the carriers themselves desire to present such evidence in a court proceeding, and the court should desire to consider it, this bill would in nowise prevent it. The whole question is whether we are to aid the railroads of the country in compelling the Interstate Commerce Commission to allow this multiplied land value in the work that they are doing in valuing the railroads of the country. There should be but one answer. This Congress should not countenance in any way the gathering and consideration of this guesswork information under a doctrine which is unsound in every way and which if applied will mean multiplied and unjustifiable burdens upon our people. [Applause.]

Mr. Chairman, under leave granted to extend, I insert a table from the Bureau of Valuation of the Interstate Commerce Commission, showing the multiples used in arriving at this excess of cost of acquisition view of real property, which table has been in use since the decision in the Kansas City Southern case. I also insert another table from the commission, showing comparison between present value and excess of cost of acquisition as to 100 carriers.

Mr. Chairman, I reserve the balance of my time.

#### APPENDIX I. COST OF ACQUISITION. FINAL TYPES.

- I. HIGHLY DEVELOPED LOT PROPERTY.
  - (a) Commercial:
    1. Whole lots taken, \$0.60.
    2. Part only of lots taken, \$0.75.
  - (b) Residential:
    1. Whole lots taken, \$0.55.
    2. Part only of lots taken, \$0.70.
  - (c) Industrial:
    1. Whole lots taken, \$0.65.
    2. Part only of lots taken, \$0.70.
  - (d) Mixed utility when not included in the above subdivision:
    1. Whole lots taken, \$0.55.
    2. Part only of lots taken, \$0.65.
- II. PLATTE PROPERTY IN TOWNS OR OUTLYING PORTIONS OF LARGE CITIES.
  1. Whole lots taken, \$0.60.
  2. Part only of lots taken, \$1.



## III. IRREGULAR TRACTS—SUBURBAN.

## (a) Residential:

1. Whole tracts taken, \$0.70.
2. Part only of tracts taken, \$1.

## (b) Industrial:

1. Whole tracts taken, \$0.65.
2. Part only of tracts taken, \$0.70.

## (c) Truck gardens, undeveloped or property not falling in either residential or industrial:

1. Whole tracts taken, \$0.80.
2. Part only of tracts taken, \$1.

## IV. RURAL.

## A. Right of way strip only taken:

## (a) High-grade land—

1. Adjoining land held in large tracts (if irrigated, indicate by symbol "i"), \$1.60.
2. Adjoining land held in small tracts (if irrigated, indicate by symbol "i"), \$1.70.

## (b) Medium-grade land—

1. Adjoining land held in large tracts, \$1.60.
2. Adjoining land held in small tracts, \$1.70.

## (c) Low-grade land—swamp, rocky, desert, and grazing—

1. Adjoining land held in large tracts, \$1.90.
2. Adjoining land held in small tracts, \$2.

Value of orchards, minerals, and timber deducted and land then valued.

## (d) Orchard lands—

1. Adjoining land held in large tracts.
2. Adjoining land held in small tracts.

## (e) Mineral lands—

1. Fissure veins or pockets.
2. Sedimentary beds.

## (f) Timberlands—

1. Adjoining land held in large tracts.
2. Adjoining land held in small tracts.

## B. Large areas taken by carrier:

## (a) High-grade land—

1. Adjoining land held in large tracts (if irrigated, indicate by symbol "i"), \$0.60.
2. Adjoining land held in small tracts (if irrigated, indicate by symbol "i"), \$0.70.

## (b) Medium-grade land—

1. Adjoining land held in large tracts, \$0.70.
2. Adjoining land held in small tracts, \$0.80.

## (c) Low-grade land—swamp, rocky, desert, and grazing—

1. Adjoining land held in large tracts, \$0.80.
2. Adjoining land held in small tracts, \$1.

## V. WATER-FRONT LANDS.

1. Right of way, \$1.
2. Docks and wharves, \$0.40.

## VI.

A. Owned right of way for industrial track, where the adjoining land is owned by the industry served.

B. Where the right of way is through large tracts of noncarrier land, owned by the carrier.

## APPENDIX II.

INTERSTATE COMMERCE COMMISSION.  
BUREAU OF VALUATION.

Statement showing comparison between the present value, as of date of valuation, and the excess cost of acquisition of carrier lands owned by the following carriers.

	Present value.	Excess cost of acquisition.
Atlanta, Birmingham & Atlantic R. R. Co.	\$1,426,938	\$1,188,329
Georgia Terminal Co.	1,029,019	257,255
Alabama Terminal R. R. Co.	857,955	386,080
Texas Midland R. R.	254,480	268,734
New Orleans, Texas & Mexico Ry. Co.	141,686	149,148
Kansas City Southern Ry. Co.	2,604,693	2,758,590
Texarkana & Fort Smith Ry. Co.	759,181	740,210
Kansas City, Shreveport & Gulf Ry. Co.	522,746	539,847
Maywood & Sugar Creek Ry. Co.	8,729	9,767
Fort Smith & Van Buren Ry. Co.	7,870	11,569
Poteau Valley R. R. Co.	828	1,686
Arkansas Western Ry. Co.	10,720	17,355
Kansas City, Shreveport & Gulf Terminal Co.	34,351	26,261
Port Arthur Canal & Dock Co.	537,445	280,096
Winston-Salem Southbound Ry. Co.	510,655	468,022
Elgin, Joliet & Eastern Ry. Co.	1,965,335	1,697,307
Chicago, Lake Shore & Eastern Ry. Co.	1,421,560	1,170,525
Joliet & Blue Island Ry. Co.	243,333	240,918
Wrightsville & Tennessee R. R. Co.	8,978	8,410
Toole Valley Ry. Co.	1,099	1,924
Alabama Central Ry.	664	80
St. John & Ophir R. R. Co.	25,169	25,461
Missouri Southern R. R. Co.	160	191
Ray & Gila Valley R. R. Co.	1,758	2,511
Quincy Western Ry. Co.	6,889	1,278
Tonopah & Tidewater R. R. Co.	9,603	12,820
Bowdon Ry. Co.	1,231,456	889,747
Georgia Southern & Florida Ry. Co.	155,031	168,857
Georgia Northern Ry. Co.	527	6,431
Death Valley R. R. Co.	4,400	7,002
Dover & South Bound R. R.	4,697	15,079
Carolina R. R. Co.	11,853	2,890
Hampton & Branchville Railroad & Lumber Co.	1,716	363
Arizona Southern R. R. Co.	34,286	40,360
New Mexico Midland Ry. Co.	4,043,749	2,813,354
Sylvania Central Ry. Co.	10,462	12,538
San Pedro, Los Angeles & Salt Lake R. R. Co.	50,397	33,275
Louisville & Wadley R. R. Co.	121,934	145,003
Albany Passenger Terminal Co.	50,027	65,146
Macon & Birmingham Ry. Co.		
Mississippi Eastern Ry. Co.		

## Statement showing comparison between the present value, etc.—Contd.

	Present value.	Excess cost of acquisition.
Norfolk Southern R. R.	\$2,418,698	\$1,842,540
Atlanta & North Carolina R. R. Co.	583,272	384,884
Carthage & Pinehurst R. R. Co.	8,918	9,537
Tampa & Jacksonville Ry. Co.	32,730	33,178
Greene County R. R. Co.	24,484	23,334
Rome & Northern R. R. Co.	9,292	12,555
Carolina & Yadkin River Ry. Co.	113,796	133,455
Flint River & Northeastern R. R. Co.	37,443	32,708
Kinston Carolina R. R. & Lumber Co.	2,215	3,530
Central Ry. Co. of Arkansas	1,967	3,172
Alabama Northern Ry. Co.	8,891	10,295
Wadley Southern Ry. Co.	66,082	82,899
Chicago, Terre Haute & Southeastern Ry. Co.	1,017,315	1,053,553
Hawkinsville & Florida Southern Ry. Co.	148,028	166,187
Mississippi River & Bonne Terre Ry.	76,277	89,329
St. Francis County R. R. Co.	5,978	6,392
Cimarron & Northwestern Ry. Co.	403	761
Joplin Union Depot Co.	120,749	94,682
Talbotton R. R. Co.	4,052	5,316
Northern Dakota Ry. Co.	9,514	13,900
Savannah & Northwestern Ry.	189,106	155,430
Santa Fe, Raton & Eastern R. R. Co.	432	695
Evansville & Indianapolis R. R. Co.	179,402	198,174
Farmers Grain & Shipping Co.	35,239	41,975
Brandon, Devils Lake & Southern Ry. Co.	8,883	12,108
Fernwood & Gulf R. R. Co.	18,150	23,367
Cape Girardeau Northern Ry. Co.	103,261	121,377
Potomac, Fredericksburg & Piedmont R. R. Co.	24,547	32,020
Bristol R. R. Co.	3,318	3,063
Bullfrog Goldfield R. R. Co.	2,965	
Central of Georgia Ry. Co.	11,512,916	8,801,023
Southwestern R. R. Co.	1,769,732	1,600,746
Augusta & Savannah R. R.	139,775	168,240
The Chattanooga & Gulf R. R. Co.	336,429	324,709
Chesapeake Beach Ry. Co.	30,475	33,895
Fellsmere R. R.	14,703	
Gainesville Midland Ry.	240,564	260,934
Goldsboro Union Station Co.	56,404	36,956
Great Southern R. R. Co.	16,010	19,863
Hardwick & Woodbury R. R. Co.	643	1,086
Kennebec Central R. R. Co.	3,797	3,992
Monson R. R. Co.	998	1,496
Norfolk Terminal Ry. Co.	155,819	77,772
Smoky Mountain Ry. Co.	1,859	2,606
St. Johns River Terminal Co.	1,358,924	839,549
Spokane & British Columbia Ry. Co.	11,907	19,403
Spokane International Ry. Co.	412,710	317,476
Coeur d'Alene & Pend d'Oreille Ry. Co.	12,300	19,138
Tonopah & Goldfield R. R. Co.	7,863	4,871
Washington, Potomac & Chesapeake Ry. Co.	24,364	28,411
Wiscasset, Waterville & Farmington Ry. Co.	5,639	7,444
Wood River Branch R. R. Co.	4,494	5,708
Woodstock Ry. Co.	11,263	13,642
Delaware & Northern R. R. Co.	15,226	20,086
Caddo & Choctaw R. R. Co.	662	
The Colorado-Kansas Ry. Co.	7,103	8,276
Montana Western Ry. Co.	11,534	17,399
Toledo, St. Louis & Western R. R. Co.	1,685,508	1,580,724
Peoria Ry. Terminal Co.	94,078	102,490
Mount Hood R. R. Co.	10,442	13,396
The Trinity & Brazos Valley Ry. Co.	499,623	521,753
Bridgton & Saco River R. R. Co.	7,319	8,351
Gulf, Texas & Western Ry. Co.	99,461	114,186
Fourche River Valley & Indian Territory Ry. Co.	2,278	4,074
Deering Southwestern Ry.	25,766	32,822
Gideon & North Island R. R. Co.	5,500	7,692
Gulf Terminal Co.	56,496	29,621
Hoosac Tunnel & Wilmington R. R. Co.	8,731	11,703
Intermountain Ry. Co.	8,010	6,949
Kentwood, Greensburg & Southwestern R. R. Co.	1,102	1,861
Lufkin, Hemphill & Gulf Ry. Co.	1,216	
Milstead R. R. Co.	581	771
Muncie Belt Ry. Co.	4,914	5,253
Pacific & Idaho Northern Ry.	125,717	145,290
Delta Southern Ry.	81,254	83,612
Total	42,250,816	34,330,114

The CHAIRMAN. The gentleman from Minnesota has used 17 minutes. The Chair recognizes the gentleman from Connecticut [Mr. MERRITT] for 45 minutes.

Mr. MERRITT. Mr. Chairman, this bill is an attempt to settle a judicial question by legislation. To accomplish this it is proposed to strike out from the valuation act of March 1, 1913, an element of value in the property of common carriers dedicated to public use, which was specially provided for in paragraph 2 of the valuation act, which element always has been and still is embodied in our common law as an element to be considered in property valuation.

This paragraph is as follows. This is the present law:

Second. Such investigation and report shall state in detail, and separately from improvements, the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same—

Now comes the part which it is proposed to strike out—

and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Now that this element of value as embodied in the common law may be shown by reference to the case of *Smythe v. Ames* (169 U. S. 466), decided in 1898, where the court says:

We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanctions must be the fair value of the property being used by it for the convenience of the public.

And, in order to ascertain the value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property.

This decision of *Smythe* against *Ames* has been approved in many subsequent cases, notably in the *Kansas City Southern* case, to which reference will be made later.

I hope that the House will not fail to note that in the decision of the court, and in the valuation act itself, the language which it is proposed to strike out does not provide that the commission shall find the present cost of condemnation and damages as the value of the property. That is an erroneous impression which I think is quite common. It is merely that they shall find the present cost of condemnation and damages and state it separately, and give it such consideration in the final estimate as it is entitled to.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MERRITT. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. If it does not represent the present value, what consideration should be given to it?

Mr. MERRITT. For instance, take a case with which I am familiar, and which is probably typical of situations in other cities. That is the case of the great New York Central terminal in New York City. Under the rule which is now followed by the commission they would find out the acreage value or the lot value of the surrounding land and say that the value of the terminal is its acreage based on surrounding value; but we all know that the railroad could not possibly acquire its terminal acreage for anything like that money, and it appears to me just that the railroad, which would be put to so much extra expense, should have a higher rate of valuation on which it should be allowed to earn a return.

Mr. DOWELL. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. DOWELL. But that is the rate which is fixed upon land that is already owned by the railroad company.

Mr. MERRITT. Yes.

Mr. DOWELL. Therefore because the railroad company owns the land, that does not make it more valuable than the land adjoining. So will the gentleman explain why the valuation should be higher than that of the surrounding property because the railroad company has possession of it now?

Mr. MERRITT. I say as I said a minute ago, not that that fact in itself would be controlling. I only say that it is an evidential fact, and the commission might take that into consideration in determining the fair value.

Mr. DOWELL. But the gentleman is assuming now that if the railroad company attempted to purchase the land the condemnation valuation would be higher than its actual value; but if the gentleman will take the question as it now stands, this is real estate that is actually owned by the railroad company.

Mr. MERRITT. I understand that.

Mr. DOWELL. And not land which they may in future desire to condemn or purchase.

Mr. MERRITT. I can not yield further. After the well-known *Minnesota Rate* case the valuation committee of the Interstate Commerce Commission so interpreted the decision as to make it unnecessary for them to obey the last clause in paragraph 2 of the valuation act, and they went ahead and made a number of tentative valuations without reporting separately, as required by the act, the original and present cost of condemnation and damages or purchase in excess of original cost or present value.

The *Minnesota Rate* case was decided in June, 1913. In March, 1920, the *Kansas City Southern* case was decided by the Supreme Court, and that decision set forth clearly that the interpretation of the Interstate Commerce Commission of the decision of the court in the *Minnesota Rate* case was erroneous. In the *Kansas City Southern* case the Supreme Court quotes the reasoning which led the commission to disregard the last part of section 2, which is as follows. The commission says:

We are unable to distinguish between what is suggested by the carrier in this record and nominally required by the act and what was condemned by the court (in the *Minnesota Rate* cases) as beyond the possibility of rational determination; nor is there any essential difference in the actual methods there employed and those now urged upon

us. Before we can report figures as ascertained, we must have a reasonable foundation for our estimate, and when, as here, if the estimate can be made only upon inadmissible assumptions, and upon impossible hypotheses, such as those pointed out by the Supreme Court in the opinion quoted, our duty to abstain from reporting as an ascertained fact that which is incapable of rational ascertainment is clear.

Mr. HOCH. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. HOCH. The gentleman does not contend, does he, that in the *Kansas City Southern* case the Supreme Court passed upon the justice or the wisdom of this valuation act? The *Kansas City Southern* case was a mandamus action to compel the Interstate Commerce Commission to do what the statute required them to do. It did not involve at all the question of policy, as I understand it. It was simply the question whether the statute required them to do that thing, and whether therefore they should proceed to do it; so that regardless of the *Kansas City Southern* case the question of policy is still before the Congress, is it not?

Mr. MERRITT. It is.

Mr. HOCH. The *Kansas City Southern* case did not touch the question of policy at all.

Mr. MERRITT. I do not agree about the case not touching the question. I think the case was decided on the statute, but it does show that this question is an open one. The case did not decide the question the other way, certainly.

Mr. WINGO. Will the gentleman yield?

Mr. MERRITT. I yield to the gentleman from Arkansas.

Mr. WINGO. Do I understand that in the gentleman's opinion this bill if passed would revert the rule back to the old rule of valuation as covered in the *Minnesota* case, and completely overturn the rule as approved in the *Kansas City Southern* case?

Mr. MERRITT. I do not think so.

Mr. WINGO. Would it establish any new rule?

Mr. MERRITT. If the gentleman will follow me, I think he will see what I think it will do. Then I will be glad to answer any further questions that may be asked.

On this position of the Interstate Commerce Commission the Supreme Court comments, in the *Kansas City Southern* case, as follows:

It is true that the commission held that its nonaction was caused by the fact that the command of the statute involved a consideration by it of matters beyond the possibility of "rational determination," and called for "inadmissible assumptions" and the indulging in "impossible hypotheses" as to subjects "incapable of rational ascertainment," and that such conclusions were the necessary consequences of the *Minnesota Rate* cases.

We are of the opinion, however, that, considering the face of the statute and the reasoning of the commission, it results that the conclusion of the commission was erroneous, etc.

After the decision of the Supreme Court in the *Kansas City Southern* case the valuation commission proceeded to do what it had previously said it could not do, and found the original and present cost of condemnation and damages or of purchase in excess of original cost or present value, and Judge Prouty, director of valuations, in a hearing before the commission March 24 to 28, 1917, on pages 230 and 231 of the record, states that the cost of acquisition of railway lands can be ascertained without difficulty and with reasonable accuracy. Judge Prouty testified as follows:

Director PROUTY. I understand, Mr. Chairman, that Mr. Butler is trying to prove that, knowing the acreage value of the lands taken by a railroad company, it is possible to apply a percentage to that acreage value which will reasonably express the costs of acquiring that land by the railroad company.

I understand that is his proposition.

Now, if the commission please, I concede that. I concede that it is possible, from the experience of carriers in the past, to determine, not accurately but within certain limits, a multiple or percentage, or whatever you may call it, which you can apply to the base value of these lands in ascertaining the cost of those lands to the railroad company, and we do not need to introduce any more testimony to prove that. I have never denied it.

The above shows that Director Prouty believes that the present cost of condemnation and damages or of purchase in excess of such original cost or present value can be obtained, and in fact such values have been obtained in connection with approximately 200 railways.

It is somewhat surprising to find, on page 5 of the majority report on this bill, a table showing percentages of increment and original cost as shown by the commission, and a percentage of hypothetical increment obtained by applying a multiple of 3.1. The unfairness of this method of showing percentages by selected individual cases was clearly pointed out in the testimony before this committee on the hearings on a similar bill (H. R. 13997) in the Sixty-sixth Congress, held during January and February, 1921. The method of arriving at these percentages is evident, namely, taking the first case cited, the *Texas Midland Railway*, the original cost, as stated in the table, is deducted from the present value, as there stated, and the remainder is divided by the original cost and produces the per-



centage of 279, as shown. It is clear that by taking isolated cases, which may give high percentages, an entirely misleading impression is produced. Before we give any weight to such figures, a number of them must be collected in order to give anything like an average result. There are very few railways in this table, but by adding the original costs, as stated, together and the present value of lands found by the Interstate Commerce Commission together and treating them in precisely the same manner in which the figures of the Texas Midland were treated, as above, we get in round figures \$25,000,000 for the original cost column and \$64,000,000 for the present value column, and deducting the cost from the present value and dividing the remainder by the original cost the result shows a small fraction over 150 per cent, which is not so alarming as the percentages set forth in individual instances. It was shown also in the testimony that the figures stated for these 16 roads involved a total of over 45,000 parcels of land, of which over 9,000 were reported as apparent aids, gifts, or grants. The memorandum, therefore, institutes an impossible comparison between the original cost of over 36,000 parcels of land, with an acreage of 109,000, and the present value of 45,000 parcels of land, with a total acreage of 159,000.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. NEWTON of Minnesota. Is it not true that in the Kansas City case where there was a multiple of 2 established, the railroads were not satisfied with that multiple, and contended for 3.1 multiple, and protested?

Mr. MERRITT. That may be; I am showing that the multiple used by the commission, which it is presumed would have weight with the court, is less than 3.1.

Mr. NEWTON of Minnesota. It runs all the way from 55 to 200 per cent.

Mr. MERRITT. Yes. I will not take the time to read all the figures, but I will say that whereas Mr. Benton in his testimony claimed that the excess cost of acquisition would be one hundred and forty-eight million, in the identical cases fixed by him, the amount fixed by the Interstate Commerce Commission was \$100,000,000 less.

I read somewhere the other day in the paper that the author of this bill, Judge SWERT, stated in his campaign literature that the effect of the bill would be to reduce the railway valuation \$3,000,000,000.

Mr. BARKLEY. The gentleman does not contend that everybody is responsible for all that he says in a campaign.

Mr. MERRITT. I hope not.

And finally, on this point, since the tabulation quoted by the majority from Mr. Benton's testimony was made, the commission has reported tentative valuations for all the railroads mentioned in the table except the Boston & Maine, and instead of \$148,000,000 of excess valuation in Mr. Benton's table, the amount fixed by the Interstate Commerce Commission is only slightly over \$44,000,000. For convenience of examination the figures are appended.

*Comparison of figures of cost of acquisition of carrier lands in excess of acreage value shown in the tabulation of Mr. John E. Benton, inserted in and made a part of the above report, and the actual figures of cost of acquisition in excess of acreage value found by the commission in tentative valuations. No tentative valuation of the Boston & Maine has been served.*

	Present value.	Excess cost of acquisition.	
		Benton.	Amount fixed by Interstate Commerce Commission.
Texas Midland R. R.	\$254,480	\$787,000	\$268,734
Texarkana & Fort Worth Ry.	763,851	2,368,000	740,332
Kansas City, Shreveport & Gulf Ry. Co.	522,746	1,621,000	539,933
Port Arthur C. & D. Co.	278,605	865,000	271,981
Winston-Salem Southbound Ry. Co.	510,655	1,584,000	468,022
Wrightsville & Tennille R. R.	245,638	753,000	243,443
Tonopah & Tidewater R. R.	7,019	22,000	1,481
Georgia Southern & Florida Ry. Co.	1,239,362	3,816,000	894,281
San Pedro, Los Angeles & Salt Lake R.R.	4,136,858	12,536,000	2,504,529
Macon & Birmingham Ry.	121,821	378,000	144,805
Norfolk Southern R. R. Co., including			
Carthage & Pinehurst R. R. Co.	3,011,353	7,526,000	2,236,991
Wadley Southern Ry.	65,948	204,000	82,755
Hawkinsville & Florida Southern Ry.	148,000	459,000	168,187
Chicago, Rock Island & Pacific R. R. Co.	44,330,507	115,584,000	35,732,867
	55,636,933	148,503,000	44,206,341

The excess of cost of acquisition in these cases averages 79.6 per cent of the "present value," and is one hundred million less than Mr. Benton's estimated result.

In a total of 198 tentative valuations reported by the commission the following is shown:

Total "present value" of lands, \$156,345,283.

Total excess cost of acquisition, \$121,167,073.

"Excess cost," 77½ per cent of "present value."

I have called the attention of the House to these figures to show that the agitation for striking out the portion indicated for section 2 of the valuation act is not only based upon an erroneous conception of the law but upon an entire misconception of the results if carried out. In short, the present cost of condemnation and damages can be found; it has, in fact, been found in about 200 different cases; and, when found, the excess cost of acquisition is neither startling nor unfair.

It is shown beyond question in the evidence that the result of the passage of this bill will be to cause the valuation of railway lands to be made strictly on an acreage basis, based upon the valuation of contiguous lands.

This is the rule which the commission has followed rigidly in its valuations. An extreme case appears in the lands of the Kansas City Terminal Railway Co., located in Kansas City, Mo., and Kansas City, Kans., where its lands were acquired both by purchase and condemnation during the reconstruction period, so that their actual cost and their present cost of acquisition would be substantially the same. In 1910 the land was condemned at a cost of about \$2,400,000, but the land appraiser of the commission determined the present value of those lands as about \$1,400,000. There is no uncertainty about these figures, as one is a court record and the other is the commission's record.

That such a result as this is unfair seems to be conceded by the lawyers who represented, in the hearings, both the Interstate Commerce Commission and the Association of State Utilities Commissions. In the hearings on H. R. 13997, in the Sixty-sixth Congress, on this same bill, Mr. Farrell, the counsel for the Interstate Commerce Commission, said (p. 32):

The probabilities—of course, I can not speak authoritatively for the Interstate Commerce Commission, but I have never known of any attempt made by the commission to compel a carrier to accept as the value of its common carrier lands less than it in fact paid for them.

And in the same hearings, on page 38, Mr. Benton, the counsel for the State commissions, stated:

And the carriers know that they are not in danger of losing what they have actually paid, because, in substance, they have been told so from the bench of the Interstate Commerce Commission during these valuation proceedings.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. NEWTON of Minnesota. The bill as amended would still require the commission to ascertain the original cost as well as the present value. They still have both elements—the original cost and the present value.

Mr. MERRITT. Yes; and why should they not have further the condemnation cost?

Mr. NEWTON of Minnesota. Because that is too speculative.

Mr. MERRITT. Judge Prouty says himself that he can give it fairly accurately.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. GRAHAM of Illinois. The gentleman does not contend that the million and a half, or whatever the less value is, would be the rate-making value, does he?

Mr. MERRITT. I think it is doubtful what it would be. I expect to refer to that later. It depends altogether on the legislation.

Mr. GRAHAM of Illinois. The commission would take a valuation that was fair.

Mr. MERRITT. They should also take the condemnation valuation.

Mr. DOWELL. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. DOWELL. Is it not true that they must take into consideration the present condemnation value, which is a fictitious value and not an actual value?

Mr. MERRITT. They must take it under consideration, but they need not rely on it.

Mr. DOWELL. The gentleman will concede that all they are entitled to is the actual value.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. MERRITT. Certainly.

Mr. ANDREWS of Nebraska. The gentleman contends that the condemnation value should be taken into account in connection with lands now owned by the railroad.

Mr. MERRITT. Yes.

Mr. ANDREWS of Nebraska. Why so?

Mr. MERRITT. I have tried to show that.

Mr. BARKLEY. It might give additional value to land that would have to be condemned in order to get possession of it.

Mr. MERRITT. That is true.

Mr. BARKLEY. Although this land might be obtained by purchase.

Mr. MERRITT. That same thing would be true of actual value. If the land were given you would under the gentleman's suggestion get no return on it at all.

Mr. BARKLEY. Actual value of land is not speculative value. Not only is the cost of condemnation speculative but it is speculative as to whether it would be condemnation or not.

Mr. MERRITT. I do not agree with the gentleman.

This testimony shows that the present value in this case should be stated as the actual cost value, because the lands had been actually acquired at that cost, and it seemed a shocking injustice that where a carrier had in good faith expended two and a half million dollars it should only be allowed a return on one and a half million dollars. But the Kansas City Southern owns another belt line in exactly the same territory, being in many places adjacent and parallel; the right-of-way lands are of equal value, and the so-called present value would be substantially the same. Under the rule stated by the lawyers for the commission the terminal company land should be valued at its actual cost, which would be about two and a half millions, because it had been recently purchased, but the value of the Kansas City Southern Co.'s right of way, which had been purchased some years before, and the present value of which was unquestionably the same, should only be valued at a million and a half; that is, on precisely the same property, one company should be permitted to earn 6 per cent on two and a half millions, while the other could only earn 6 per cent on a million and a half.

This and other injustices arising out of the law as it is proposed to be amended by this bill show that the rigid practice of the commission in valuing a railway right of way on an acreage value is absolutely inequitable and unjust. And that it is absolutely illegal is shown by the decision of the court in the Monongahela case (148 U. S. 312). There an act of Congress provided for the condemnation of certain property of the navigation company, consisting of a lock and dam, and directed that its franchise to collect tolls should not be considered in estimating the value of the property; that is, the amount to be paid as compensation under the fifth amendment.

The lower court followed the statute and excluded the value of the franchise, but this was reversed by the Supreme Court, which held that the determination of the value of the property was a judicial question and not a legislative one, and hence that it was beyond the power of Congress to say that the value of the franchise should not be included. The court said:

By this legislation Congress seems to have assumed the right to determine what shall be the measure of compensation. But this is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of political and legislative character—but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation. The Constitution has declared that just compensation shall be paid, and the ascertainment of that is a judicial inquiry.

It is argued by the proponents of this bill, and accepted in the majority report, that the bill will simplify and hasten the final report of the commission on the valuation of the railways.

Mr. WYANT. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. WYANT. Looking at this from a practical standpoint, to what extent has this work progressed? The commission was established some time subsequent to 1913.

Mr. MERRITT. All of the field work has been done, and substantially all of the expense has been incurred. The work has been done under this clause that it is now proposed to have stricken out.

Mr. WYANT. There would be but little additional cost in considering this element to which the gentleman refers?

Mr. MERRITT. It would be inconsiderable.

Mr. WYANT. Does not the gentleman believe it wise to complete this, so that finally if it should be considered an element of valuation the court would have it before it?

Mr. MERRITT. I do.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GENSMAN. Speaking of the injustice that may have been done to the Kansas City Southern, has the gentleman any figures or does he know how much of the right of way was purchased by public subscription, such as was done on other lines in Oklahoma and Kansas?

Mr. MERRITT. I have not any such figures.

Mr. GENSMAN. Then, as a matter of fact, if a town through which the road ran presented the right of way to the railroad company, no great injustice has been done to them if as a matter of fact it did not cost them anything.

Mr. MERRITT. That is hard to distinguish. I submit that if the gentleman's constituents should present him with a corner

lot and a house he would have just as much right to collect the rent upon that as if he had bought it.

Mr. GENSMAN. That is correct; but I am talking about the injustice of the matter which the gentleman from Connecticut says has been done to the railroad companies by undervaluing their property.

Mr. MERRITT. What I say is that with identical rights of way of identical value, from a business point of view, it is an injustice that one should be allowed to get a return on two and one-half million dollars and the other on the return of one and one-half million dollars.

Mr. GENSMAN. If one of the rights of way be given to the railroad company, if it did not cost the railroad anything, does the gentleman think as a matter of fact that the railroad would be getting very much the worst of it?

Mr. MERRITT. That is a matter of opinion.

Mr. NORTON. As a matter of fact, if there had been stock issued upon that and that stock got into the hands of bona fide holders, it would not make any difference how much it cost originally.

Mr. MERRITT. We believe, on the contrary, that it will not hasten the final report of the commission, and certainly will not hasten the final determination by the courts of the railway valuation, because it is almost certain that this final decision will have to be made by the courts owing to difference of view between different parties interested. It must be borne in mind that in view of existing law these railway valuations are of very great importance in many directions. They are to be used as a basis for rates at the present time and also as a basis for possible future consolidations or combinations. It is of great moment, therefore, that they be settled not only as promptly as possible but accurately. The Interstate Commerce Commission and the State commissions contend that under the Minnesota rate cases the court has decided—and that this decision has not been reversed by the Kansas City Southern case—that it is not proper to add the costs of acquisition to the present value of the lands, ascertained by the present cost of lands in the vicinity of the right of way. Accordingly, although the commission has found this cost, and in a manner which Director Prouty says is reasonably accurate, it has not in fact allowed this element of value to enter into its final valuations as reported.

If this bill becomes a law, apparently the first result will be that the Interstate Commerce Commission must recall their tentative valuations and eliminate therefrom the information which they have now obtained to carry out section 2 under the instruction of the court.

Mr. WHITE of Maine. That is the tentative valuation in the case of some 200 railroads.

Mr. MERRITT. Yes. But suppose that the contention of the railways turns out to be correct and that a proper interpretation of the Minnesota rate cases and the Kansas City Southern rate case is that the information called for by section 2 is a proper element to be considered in fixing a final value. Then we shall be in the position indicated in the Monongahela case—that we have tried by legislation to settle a judicial question, and then the Interstate Commerce Commission will have to do its work over again. Stated in a practical manner, the information which the commission has already obtained in accordance with section 2 can do no harm. Whatever expense is involved has already been incurred and the information has been obtained. The valuations have not as yet been affected, according to the testimony of the commission, but the information is there so that the court can pass on it. If the information is removed by this legislation, and the court does not have it for its information, then it is quite possible that the whole matter may be set back and this necessary valuation be delayed for an unknown period.

It appears, therefore, that both on account of justice and for practical results this bill is unwise and should not be passed. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, I yield six minutes to the gentleman from Michigan [Mr. MAPES].

Mr. DENISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. I understood the chairman to rule awhile ago that after the gentleman from Minnesota had yielded the floor he could not parcel out the remaining time. Has the Chair changed his position?

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota for the whole time. The gentleman from Michigan is recognized for six minutes.

Mr. MAPES. Mr. Chairman, the railroad valuation act requires the Interstate Commerce Commission in making and reporting the valuation of the railroads to state, among other things, "in detail and separately from improvements the



original cost" and the "present value" "of all lands, rights of way, and terminals owned or used for the purposes of a common carrier," "and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value." This bill proposes to strike out the language "and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value." If the bill becomes a law the Interstate Commerce Commission will still be required to find both the original cost and the present value "of all lands, rights of way, and terminals" used for railroad purposes.

What does the language which the bill proposes to strike out mean? After giving some study and consideration to the subject I am willing for my part to subscribe to the statement of the chief counsel of the Interstate Commerce Commission in the hearings on a similar bill in the last Congress, "that nobody can tell." He says further "that it is absolutely impossible to construe" the language "so that you can do anything more than guess at the probable meaning that Congress intended to convey when it used those words," and that as a "practical matter" no man can do anything "except to guess" when he undertakes to comply with that provision of the statute.

The chief counsel of the Interstate Commerce Commission is Mr. P. J. Farrell. He was for four years the Solicitor of the Bureau of Valuation before he became chief counsel of the commission. He has occupied this latter position about four years. During these eight years it has been his business to study the valuation act and to tell the Bureau of Valuation and the commission what it means. In order that you may get some notion of this provision, I want to quote further from his statement to the committee during the hearings on a similar bill in the last Congress. He said:

Is the commission to undertake to estimate what it would cost the railroads to acquire each piece of land used for common-carrier purposes in the United States through court proceedings, condemnation proceedings, or, if not, is it to assume that every piece of land that is now used for common-carrier purposes would have to be purchased, if it became necessary to reproduce the railroads, and in doing so acquire the land necessary for that purpose? Or is the commission to try to find out how much of this land was originally donated to the carriers; how much of it was given to them by the State legislatures and by the Congress of the United States, etc.? \* \* \* But the carriers insist that in attempting to get these excess costs or estimate them the commission must assume that there would not be any land given to them if it became necessary to reproduce these railroads; that they would have to purchase all of it and that they would have to condemn some of it. Now, it is true that there were a few condemnation proceedings when the roads were originally constructed, but we can not find out how many, and we are absolutely at sea, and there is not a word in that last clause of paragraph entitled "Second" about donations. It simply asks the commission to estimate how much the railroads would have to pay in excess of the value—present value—if the lands were to be reacquired for railroad purposes. But it says "present cost of condemnation and damages or of purchase." Those words are all put right in together without any punctuation even. What does it mean? We do not know.

From the date of the passage of the act in 1913 up to the time of the decision of the Supreme Court of the United States in March, 1920, in what is known as the Kansas City Southern Railway case (252 U. S. 178), the Interstate Commerce Commission, acting in harmony with what it conceived to be the opinion of the Supreme Court in the Minnesota Rate cases (230 U. S. 352), took the position that—

it was impossible to ascertain or report as a separate item what it would cost the railroad company to acquire by condemnation or purchase its existing right of way and lands used for carrier purposes, and therefore that it could not comply with the command of the statute directing it to report excess of cost over present value.

The Supreme Court in the Kansas City Southern Railway case said that the Interstate Commerce Commission had misinterpreted the opinion of the court in the Minnesota Rate cases, and held that Congress in passing the valuation act and putting in this provision was acting within its constitutional power, and that it was the duty of the Interstate Commerce Commission to carry out the commands of Congress, although it did not tell the commission how it could comply with that particular provision of the statute.

The report of the Senate Committee on Interstate Commerce on this bill states that—

it is the opinion of the committee that it is not only an indefensible expenditure of public money to do the work required of the commission by that part of the statute which the bill seeks to eliminate but the result of the work when done will be valueless and mischievous.

That report further states that—

to ascertain what it would cost any given railroad company to acquire its present right of way or lands at the present time—

Is—

absolutely impossible.

And again:

No matter what path may be pursued in the effort to comply with the part of the statute sought to be eliminated, it leads into the field of pure conjecture.

In view of all this uncertainty as to the meaning of this language, how does the Interstate Commerce Commission proceed in actual practice in its endeavor to carry out this mandate of Congress, as the Supreme Court says it must do? This is what the commission itself says it does:

In meeting the requirements of paragraph "second" of section 19 (a) of the interstate commerce act to report the present cost of condemnation and of damages or of purchase in excess of present value, we attempt to show what the expense to a carrier will be of acquiring its common-carrier lands upon the date of valuation on the assumption that it did not possess those lands, but was obliged to obtain them through purchase or condemnation at the value of similar lands in the vicinity on that date.

Mr. Farrell, the chief counsel, states the procedure in this way:

Our people go on and zone the land as they call it. They will take along a railroad right of way considerable land where the adjoining and adjacent land is all similar in character, and they will place a value practically upon all the land in that stretch of right of way, which is measured by the value of that adjoining land of a similar character.

Now, if the adjoining land changes from good meadow land, we will say, or cultivatable field, to somewhat swampy land, they have to make another zone, and the effort is to include in zones only such portions of the railroad as are bounded by land of a similar character.

What use is made of these findings of the excess cost after they have been found? The Bureau of Valuation and the Interstate Commerce Commission take the position that the excess-cost element is not a proper element to be considered in arriving at the present or real value of the railroad property, and they have not considered it in fixing the tentative values so far. They find the excess cost because they are required to do so by the statute as interpreted by the Supreme Court, but make no practical use of it. It is not considered by the commission as an element which should be included in arriving at the present value.

In view of this position of the commission it seems to be an idle procedure and an unnecessary expenditure of time and money to require it to find something which after it is found is put to no practical use.

If Congress could be assured that the courts would sustain the Interstate Commerce Commission in the position which it has taken in regard to the matter perhaps no harm could come from the present law further than the additional expense incurred and the time consumed in finding this excess cost. The danger, however, is that the courts will require the commission, in fixing the final valuations of the railroads, to take this excess cost into consideration unless this bill passes and this language is stricken out. The railroad representatives frankly say that they expect to test the matter in the courts and to ask the courts to compel the commission to include or consider the excess cost item as an element in the final valuation of the railroads.

If this is done, the importance of the matter is at once apparent. Nobody knows just how much it would mean, and the estimates vary widely. I have been told that the valuation of the lands, rights of way, and terminals of the railroads used for carrier purposes on the excess-cost basis would be nearly double the present value of the same. I have also been told that the present value of the same—that is, the present value of the lands, rights of way, and terminals of the carriers used for carrier purposes—is about 25 per cent of the total valuation of the railroad property. The estimated total valuation of the property of the railroads now is \$18,990,000,000. Twenty-five per cent of that is over four and one-half billion dollars. If these figures are anywhere near accurate, it can readily be seen what it might mean to have this amount or any part of it added to the present tentative valuation of the railroad property for rate making and other purposes.

The gentleman from Connecticut [Mr. MERRITT] says that by passing this bill we usurp the function of the court in that we attempt to tell the court what shall be considered in fixing the value. It seems to me that we usurp the function of the court more if we leave this provision of the law in the valuation act, because by so doing I am afraid that we say to the court in effect that it is our legislative judgment that this excess-cost feature should be considered as an element in fixing the value of the railroad property. It seems to me that we usurp the functions of the court if we leave it in, but if we take it out, then the court is at liberty to pass on what are proper elements to be considered without any congressional expression on that subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, this bill is quite simple. The law contains this provision:

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

In the Minnesota Rate cases (230 U. S., 352) the court very distinctly held that you could not do what the statute said ought to be done. I quote a part of the opinion of Justice Hughes in that case:

It is contended that the valuation was made upon a wrong theory; that it is a speculative estimate of cost of reproduction; that it is largely in excess of the market value of adjacent or similarly situated property; that it does not represent the present value in any true sense, but constitutes a conjecture as to the amount which the railway company would have to pay to acquire its right of way, yards, and terminals, or an assumption, itself inadmissible, that, while the railroad did not exist, all other conditions, with respect to the agricultural and industrial development of the State, and the location, population, and activities of towns, villages, and cities were as they now are.

It is manifest that an attempt to estimate what would be the actual cost of acquiring the right of way if the railroad were not there is to indulge in mere speculation. The railroad has long been established. To it have been linked the activities of agriculture, industry, and trade. Communities have long been dependent upon its service, and their growth and development have been conditioned upon the facilities it has provided. The uses of property in the communities which it serves are to a large degree determined by it. The values of property along its line largely depend upon its existence. It is an integral part of the communal life. The assumption of its nonexistence and at the same time that the values that rest upon it remain unchanged is impossible and can not be entertained. The conditions of ownership of the property and the amounts which would have to be paid in acquiring the right of way, supposing the railroad had to be removed, are wholly beyond reach of any process of rational determination. The cost of reproduction method is of service in ascertaining the present value of the plant when it is reasonably applied and when the cost of reproducing the property may be ascertained with a proper degree of certainty. But it does not justify the acceptance of results which depend upon mere conjecture.

Does anybody in this House—any lawyer—know how to go about to prove what the present condemnation or cost value of a railroad right of way would be through a country? Imagine, if you can, gentlemen, what the condition would be if the road was not there, and then try to figure what it would cost to-day to put a railroad there. How are you going to find it out? You have to guess at it.

Mr. HOCH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. HOCH. Is it not true in following that line they imagine a railroad nonexistent and leave the other values just as they are?

Mr. GRAHAM of Illinois. Yes. Just take for example the country between here and Philadelphia or between here and New York and imagine there is no railroad there: Can you or anybody else make an estimate of what it would cost to put one through now? How can any lawyer or court establish any measure of damages by which that can be proven?

Mr. DENISON. It is being done very frequently and—if the gentleman will permit—

Mr. GRAHAM of Illinois. I do not care to yield to the gentleman at this time. I understand he is going to have considerable time later, in which he can make such comments as he desires. But it is not done; it can not be done. There is no way by which a man can contrive any rules of evidence by which you can do so.

Mr. CHINDELOM. Is there any matter of large expense or a saving of a large expense?

Mr. GRAHAM of Illinois. This valuation is fixed by this last clause—

and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

This gives the condemnation or present cost of acquisition, and in practice it almost doubles the value of the railroad real property over the country. It increases it by about 100 per cent. I have several railroads in my mind in my State where the value was practically doubled by this method of arriving at what the cost to-day would be. Let me quote the figures of present values and values under this so-called present condemnation cost, as fixed by the Interstate Commerce Commission:

	Present value.	Excess cost of acquisition.
Elgin, Joliet & Eastern Ry. Co.....	\$1,965,335	\$1,667,307
Chicago, Lake Shore & Eastern.....	1,421,560	1,170,525
Peoria Ry. Terminal Co.....	94,078	102,480

And so, very properly, Justice Hughes has said, in the Minnesota Rate cases, that it is all conjecture and all guess, and such a value is not ascertainable in any court by any fixed rules the court knows anything about.

Mr. CHINDELOM. My question went to the cost of ascertaining these items by the Interstate Commerce Commission.

Mr. GRAHAM of Illinois. It costs a great deal. It takes a lot of time to do so. The Interstate Commerce Commission has never been able to do it except in this way: They have tried to imagine a case, and then by imagining what it would cost in that particular case they make what they call a multiple. Then in all cases where these values are involved they use that multiple instead of trying to ascertain it exactly. Of course, the multiple is an arbitrary figure which they take from the one supposititious case they have in mind.

Mr. CHINDELOM. What items of value are in the condemnation costs that are not in the actual cost?

Mr. GRAHAM of Illinois. Many elements—possible court costs, attorney fees, and consequential damages. The value ascertained may be the fair value or it may be an exaggerated value. Any man who has tried condemnation cases knows that ordinarily the land costs much more than you can buy it for on the open market. And so you can not tell. Now, following that, the Interstate Commerce Commission concluded that, inasmuch as the court in the Minnesota Rate cases had stated such values could not be fixed with any degree of certainty, they did not need to follow the exact letter of the law, and they did not follow it until in the Kansas City Southern case the court held that they must follow the mandate of the statute in this respect.

While the court had said in the Minnesota Rate cases it could not be done, now the court decided that because the statute said it must be done that therefore the commission must try to do it.

Mr. BURROUGHS. And so the net result of it now is that after all of these decisions the commission is doing a perfectly vain and idle thing?

Mr. GRAHAM of Illinois. Yes; an absolutely useless thing.

My time is almost ended, and I must, therefore, conclude my remarks. However, let me call your attention to the fact that with the last clause stricken from this second section of the law the law will still require a statement and report of "the present value of the same," referring to real estate. If it is claimed that by omitting this language in question, directing an ascertainment of the present condemnation cost, we are taking from the law an element of value which the railroads are entitled to and which they can establish in court. Permit me to suggest that the remaining language of the act gives them the right to the present value of their property, and this will be fixed by the rules of law and will include every possible element of value.

Recent experience has proved the lack of wisdom of writing into railroad legislation some particular provision or direction or indication of congressional opinion for the guidance of the Interstate Commerce Commission. I need only refer to the very unwise provision in the present transportation act, fixing an arbitrary standard of earnings at 5½ or 6 per cent, a provision which has been slavishly followed by the Interstate Commerce Commission, which contends this is a mandate of Congress. Let us in the future avoid such mandates so far as possible, if we do not want them followed by the Interstate Commerce Commission and railroads.

This law will take from the railroad valuations a very considerable sum to which, in my judgment, the railroads are not entitled, and which will have a tendency to reduce the valuation upon which freight and passenger rates are figured, and therefore ought to have a tendency to help reduce such rates and fares. This is something greatly required.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Mississippi. Mr. Chairman, no more important question has been presented to the House since this Congress convened than is involved in this bill. The bill provides that the Interstate Commerce Commission shall ascer-



tain the original costs of all lands, rights of way, and terminals owned or used for purposes of common carriers, and the present value of same.

The railroad companies are asking that in valuing the railroads' lands they shall not only be given credit for the original costs of lands and the present value of the lands and adjacent similar lands but they are asking that the commission add to that a speculative additional sum of what it might cost the railroads to acquire the same lands at this time by condemnation proceedings or otherwise.

Under the transportation act the Interstate Commerce Commission was required to establish such freight and passenger rates as would bring the carriers 6 per cent on their investment. In undertaking to carry out the provisions of the transportation act the Interstate Commerce Commission guessed at the value of the railroads and fixed the sum at \$18,900,000,000. It is admitted that there was no evidence to justify the conclusion that the railroads were worth \$18,900,000,000. No one who is fair will controvert the proposition that the railroad companies are entitled to earn a fair return on their unearned increment, the same as the holders of any other real estate, but certainly the railroad companies are not entitled to earn anything on what it would probably cost to acquire these lands to-day by condemnation or other proceedings. To even consider valuing the railroad lands and terminals at what it might cost through condemnation or other proceedings to acquire same land and terminals to-day would be preposterous.

Judge Prouty, for whom we all have a high regard, in his statement in discussing the value of the railroads, stated that the Interstate Commerce Commission, in fixing the valuation of the railroads, indulged in speculation; that there was no conclusive evidence before them on which to base the valuation of \$18,900,000,000.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. JOHNSON of Mississippi. I will.

Mr. ANDREWS of Nebraska. What would be the total approximate valuation of the railroads by the adoption of this bill? You quoted the total valuation as \$18,900,000,000.

Mr. JOHNSON of Mississippi. There is no way of telling exactly at this time. It will be for the Interstate Commerce Commission to work out. The valuation fixed by them, as I said before, is guesswork.

Since the commission placed the valuation of \$18,900,000,000 on the railroads, its engineers have learned the cost of this property on the basis of war-time valuation. The work of valuation on 71 first-class roads has been completed. These roads have a book value of \$1,520,000,000, but the commission's engineers report they could be rebuilt and equipped new for \$877,000,000, or just a little more than one-half the amount the railroads claim to be the value. Estimating that the other roads have watered their stock in proportion to the 71 first-class roads just mentioned, then the total valuation of the railroads of the United States does not exceed \$11,000,000,000. It will show \$7,900,000,000 watered stock in the railroads, upon which the Government was paying, up to March 1 last, to the railroad companies 6 per cent dividend; and since March 1 last, complying with the provisions of section 15-A of the transportation act, the Government has fixed the "fair return" at 5½ per cent on the valuation of the railroads.

It has been clearly demonstrated from evidence gathered from the stock market in Wall Street that every share of stock and every bond issued by every railroad in the United States could have been purchased at prices quoted on the New York Stock Exchange last January for \$10,640,000,000; yet the people of the United States are taxed to pay to these railroads, according to these figures, 5½ per cent on \$8,260,000,000 of watered stock.

The transportation act requires that the railroad companies shall economically operate the railroads, yet it is officially shown that several of the big railroad companies have let their piecework and repair work to the Baldwin Locomotive Works and other large repair shops, for which they have paid to these companies in a number of cases four times the price, and in some cases six times the amount it would take to have repaired them in the shops of the railroad companies. The repair shops, as has been shown, are owned principally by the same people who own the stocks and bonds of the railroad companies. For instance, on the Boston & Albany the company which repaired a boiler charged for and collected for removing and applying 900 flues in a boiler which contained only 202 flues. All these charges were made and charged against the Government of the United States under the transportation act, which guaranteed to the railroad companies 6 per cent on their investment,

All this waste, extravagance, graft, and stealage was charged up to the Government as a legitimate expense on which the Government allowed the railroad companies 6 per cent.

On the Pennsylvania Railroad it was found that the officials voluntarily overpaid pieceworkers to the extent of \$2,500,000. The piecework was done in shops owned principally by the same people who control the railroads. The Philadelphia & Reading Railroad overpaid for two weeks for their piecework \$50,000. The Baltimore & Ohio Railroad has overpaid for its piecework. It is shown that the Pennsylvania Railroad Co. padded its pay roll in order to show increased cost of operation.

During one publicity campaign, in order to create a sentiment—at the expense of the taxpayer—in favor of the railroads, \$8,000,000 was spent by the railroads for publicity and charged to operating expenses.

Last year, after the railroad companies had been charged with grafting, the Interstate Commerce Commission called upon the railroad companies for information covering car and locomotive contracts. The railroads admitted that a number of railroads had made extravagant contracts with private concerns for repairing locomotives and cars.

The average cost of making class 5 repairs at the Baldwin Locomotive Works was \$15,079.95 per locomotive, while the average cost for the same class of repair work at the railroad shop was \$3,668.43. The average cost of class 3 repair work at the Baldwin Locomotive Works was \$19,272.60 per locomotive, while the average cost in the railroad companies' own shops was \$4,009.13. The cost of class 4 repair work at the Baldwin Locomotive Works was \$20,781.52 for each locomotive, while the cost at the railroad companies' own shops was \$4,200.08. For class H-9 locomotives at Baldwin Works, the cost for repair was \$24,620.93, while the cost in the railroad companies' shops was \$5,250.21.

For repairing 200 locomotives the Pennsylvania Railroad Co. paid the Baldwin Locomotive Works \$3,173,900. Of this sum, \$2,500,000 was graft, according to Mr. M. C. List, special examiner of the Interstate Commerce Commission, who conducted the investigation into these raids upon the Treasury.

Now, the law required the railroad companies, in order to obtain the 6 per cent guaranty on their investment, to economically operate the railroads, yet, intending to cheat and defraud the Government of the United States, the railroads entered into a conspiracy with the Baldwin Locomotive Works and other repair shops to pay them four or five times the value of the work.

There are 263,707 miles of railroads in the United States. Ninety-two per cent of the mileage is in the class 1 railroads. Ninety-eight per cent of the capital invested in railroads is invested in the class 1 roads. All of this waste, fraud, and extravagance practiced on the taxpayers of the country by the railroad companies show the necessity not only for the passage of this bill we are now considering but it is convincing of the necessity for the repeal of section 15-A of the transportation act.

It must be remembered that during Federal control of the railroads the rates were increased so much that the people throughout the country complained grievously, but on account of it being war time they felt they should forbear to criticize the Government for the raise in rates; but when the railroads were returned to private ownership March 1, 1920, under the Cummins-Esch bill, commonly known as the transportation act, the railroad rates were raised 35 per cent throughout the United States, and in many places more than 40 per cent, in addition to the increase of rates during the war. This was done because under section 15-A of the transportation act the Interstate Commerce Commission was required to fix the rates at such a sum as would bring to the owners of the railroads a 6 per cent dividend on their investment. Passenger rates were raised 20 per cent, and on Pullman tickets a 50 per cent surcharge was made for the benefit of the railroad companies. To what other industry or business does the Government of the United States guarantee a dividend?

At the very time when railroad rates were raised throughout the country agricultural products depreciated in value as much as 75 and 80 per cent. It was admitted by Governor Allen, of Kansas, who testified before our committee—Interstate and Foreign Commerce—that if four carloads of cattle were shipped to market from his State, it took one carload to pay transportation charges. Witnesses from Oklahoma, Nebraska, South Dakota, and many other States testified that corn and hay and other agricultural products were rotting in the fields because transportation charges were so high it would not justify them shipping. Other witnesses testified to burning corn for fuel on account of the railroad rates being so high it was cheaper to

burn corn than to ship it to the market and then pay freight charges on coal. Witnesses from the State of Illinois testified to the disastrous effect high freight rates was having on the economic conditions throughout that State; and practically every other State in the Union showed the depressing effect it was having on business in the country. At that time a policy of deflation was inaugurated by the present administration as to everything else except railroads. A policy of inflation was adopted as to railroads.

There is no business in the United States that will pay so well at this time under the present transportation act as the railroad business. The Government of the United States is lending its strong arm to the railroads of the country to systematically rob the people.

The Republicans abused the last administration shamefully for what they charged was waste and extravagance, but it must be remembered that at the time the Democrats were in control of the railroads this country was engaged in the greatest war the world had ever seen, and there was neither time nor opportunity for preventing the graft and extravagance by the railroad owners like there is to-day.

March 4, 1919, the Republican Party had full control of the House and the Senate. That Congress passed the transportation act, and you Republicans have been in control of Congress ever since. With all the waste and extravagance, graft and stealing, fraud and rascality practiced by the railroads, and special privilege generally, no voice has been raised to any effect by you.

I have protested, as other Democrats have, against the Cummins-Esch bill for two years. I have urged the reduction of freight rates so that business in the country could return to a normal condition. Our committee has been holding hearings since February 23 of this year considering a bill for the repeal of section 15-A, the guaranty section of the transportation act. We have heard many witnesses who advocate the repeal of that law. We are still holding hearings and will continue to hold hearings until the Congress adjourns. While I would be happy to have an opportunity to vote for a repeal of section 15-A of the act, I know it will not be repealed, because the President of the United States has already stated that he did not want the transportation act amended during this Congress. All these hearings will amount to nothing more than to deceive the people, who are hoping and praying that this iniquitous law will be repealed, but it will not be repealed under Republican rule, because special privilege is entrenched as it never was before in the history of the country, and the people of the country have to bear the burden.

The railroads constitute one of the great arteries through which flow the lifeblood of our economic life. No intelligent man would wish to hamper the railroads so that they could not earn a fair return on their investment; but it is an outrage for the great body of people of the country to be ground down beneath the burden of taxation in order that a few purse-proud, bloated bondholders may continue to swell their exchequer.

In my State the farmers are beginning to diversify, and this year they have made large vegetable crops, for which they have had a very good market; but on account of the freight rates the farmers have been unable to obtain scarcely enough from their crop to pay the expense of production. A few days ago I read in my home paper, the Hattiesburg American, a dispatch from Jackson, Miss., that a carload of vegetables had been shipped to an eastern market, for which the shipper received \$675, of which \$495 was paid for freight, leaving the grower only \$180, or 45 cents a hamper for the produce less than the cost of growing. It is a sample of the oppression that is being practiced by the railroads of the country at the expense of those who feed and clothe the world—the farmers.

The small reduction of 10 per cent ordered by the Interstate Commerce Commission will not satisfy the public. The Interstate Commerce Commission did not intend a few weeks ago to make any reduction, but the protests of the people were so great that something had to be done in order that the public condemnation of the Interstate Commerce Commission and the railroad companies would subside; but the people are not going to continue to stand this oppression. It must be changed; and unless you Republicans, who have 304 Members in the House of Representatives to the Democrats' 130, and who have control of the United States Senate and the Presidency, make a change in this transportation law the people of the country will make a change in the Congress and in the Presidency.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. NEWTON of Minnesota. I yield to the gentleman one minute more. The gentleman, I think, seems to be under the impression that the valuation of \$18,900,000,000 is based upon the

use of this multiple and a fictitious value. Now, it is my understanding that in ascertaining the value of \$18,900,000,000 the commission did not use the multiple or fictitious value, and if the commission should be called upon in a final proceeding to use the multiple that we would be paying rates upon a value far in excess of the \$18,900,000,000.

Mr. JOHNSON of Mississippi. The gentleman and I agree as to that.

Mr. MAPES. Will the gentleman from Minnesota yield to me one minute, so that I may answer the question of the gentleman from Nebraska [Mr. ANDREWS]?

Mr. NEWTON of Minnesota. I yield one minute to the gentleman.

Mr. MAPES. Mr. Chairman, I would like to answer the question of the gentleman from Nebraska. I have been told by a member of the Bureau of Valuation that the present value of the land, rights of way, and terminals of the railroads, as tentatively fixed by the Interstate Commerce Commission, represents about 25 per cent of the value of the total property of the railroads, and if this so-called excess cost is included it will increase that to about 50 per cent. Twenty-five per cent of \$18,900,000,000 is over \$4,500,000,000. If that amount is added to the present tentative value of the railroads for rate-making purposes and other purposes, anyone can figure out what it means.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DENISON. Mr. Chairman, I will use my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 16 minutes.

Mr. DENISON. Mr. Chairman, I am not particularly interested in this bill one way or another. I do not think it will make very much difference, so far as results are concerned, whether it passes or whether it does not. I am opposed to it, not because of any effect it will have on the final valuation of the railroads, as I do not think it will have very much effect on that. The purpose of those who are urging this legislation is evidently based upon their belief that consideration by the commission of evidence touching the so-called present condemnation value of the railroads will have a tendency to enhance or increase their final conclusions as to the value of the railroads. And, naturally, it is thought to be popular to propose or favor legislation that might depreciate the final valuation fixed for the railroads of the country.

I do not think that it will have that effect. If it would have that effect, and if I thought the courts would finally hold that it ought properly to have that effect, I would be in favor of it, because, of course, I think the railroads ought to be allowed every element of value to which they are justly entitled under our existing law, and nothing more.

Mr. ELLIS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I will yield to the gentleman briefly.

Mr. ELLIS. The suggestion was made here by the gentleman from Iowa [Mr. SWEET], of the Committee on Interstate and Foreign Commerce, that if this bill passed it would reduce the valuation something like \$3,000,000,000. I want to ask the gentleman if that reflects the sentiment of the gentleman's committee?

Mr. DENISON. It does not reflect my sentiments or any sentiment that I have heard expressed in the committee.

Mr. ELLIS. Has the committee devised any other means to take off another billion?

Mr. DENISON. Not that I know of. Of course, I do not care what political advantage anyone may get from the passage of this bill. If they can get any political capital out of it I am entirely willing. I am looking at the matter from the standpoint of a country lawyer, and I am opposed to the bill, because, in the first place, I think it is a futile thing, and in the next place I think it is a wholly useless thing for Congress now to attempt to limit by legislation the evidentiary facts that the commission may consider in reaching their conclusions as to the valuation of the railroads.

Let me make our position clear, if I can. In considering whether you shall pass this bill or not you are acting in the capacity of a court when it sits in the trial of a condemnation case, in which a railroad or other public-service corporation, for instance, would seek to condemn property; the Interstate Commerce Commission is the jury charged with the duty of determining the value of the property to be taken.

The court decides what evidence is admissible, what can be considered by the jury, what evidence or facts can be admitted in the consideration of the case. The court can not properly undertake to say what weight should be given to the evidence. By passing this law we are saying whether or not the com-



mission in ascertaining the value of railroads shall take into consideration certain evidentiary facts. And what are they? The principal evidentiary fact sought to be excluded from consideration is the present cost of reconstructing the railroads. The original valuation act, passed in March, 1913, provided among other things that the commission should ascertain and report in reaching its conclusions as to the value of railroad property, that it should ascertain what was the present, as compared with the original, cost of construction. Now, it is plain as day to me that if we pass this bill we are to that extent usurping the functions of the courts.

Mr. MAPES. Mr. Chairman, will the gentleman yield for a question?

Mr. DENISON. If my friend will make it very brief I will yield.

Mr. MAPES. If the courts are going to say that certain elements are to be taken into consideration in making up the value of the railroad property, what is the harm in eliminating this provision and giving the courts the privilege of doing that without considering what the congressional idea is?

Mr. DENISON. I will answer the question because it is a question that arose a moment ago. The harm is this: When the commission assembles the evidence on which it bases its final conclusions as to the value of the railroad's property it is far better that it should assemble too much evidence than that it should assemble not enough. It is better that it should have some facts that it does not necessarily need or consider than that it should lack some facts that it ought properly to have. If certain facts are proper for consideration in fixing the value of the railroad property under existing law, Congress can not constitutionally take such facts from the consideration of the commission.

Mr. MAPES. In view of the decision in the Kansas City case, when the court said the commission must follow the mandate of Congress, does not the gentleman think that the courts will be influenced somewhat by the fact that Congress leaves this provision in the law, and therefore it would be considered the opinion of Congress that it is a proper element in making up the value?

Mr. DENISON. No. I think the question of what evidence is admissible, what evidence is relevant or proper, and what evidence is necessary in determining the value of the property taken for public use, or in fixing the value of the property of the railroad for the various purposes named in the interstate commerce act, is a judicial question, and Congress can not enlarge it or limit it. Those are all questions for the courts and not for Congress.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield for a short question?

Mr. DENISON. Yes.

Mr. BURROUGHS. Right on that point, does not the gentleman understand that the Supreme Court of the United States has already held in the Minnesota Rate case that this particular piece of evidence is not worth anything?

Mr. DENISON. Not at all. The gentleman from New Hampshire wholly misunderstands the Minnesota Rate cases. The Interstate Commerce Commission also misunderstood the Minnesota Rate cases, and the United States Supreme Court in the Kansas City Southern case said that the commission had misconstrued the Minnesota Rate case. In the Minnesota Rate case the court was considering and commenting on a particular schedule of property values that was then before it, and was not discussing general principles, as I understand it.

Mr. BURROUGHS. Was not the Kansas City Southern case a mandamus case, and was not the whole question there that the commission should carry out the mandate of the statute?

Mr. DENISON. That is, of course, true. But the gentleman should understand that no court ever by mandamus compels anybody to do a futile or a useless or an impossible thing. If the Supreme Court had recognized the decision in the Minnesota Rate case as a conclusive and correct statement of the law, they would not have granted the mandamus in the Kansas City Southern case.

Mr. JOHNSON of Mississippi. They did not pass upon the reasonableness or unreasonableness of the case at all.

Mr. DENISON. Now, in the case of Smythe against Ames, One hundred and sixty-ninth United States Reports, the Supreme Court, through Mr. Justice Harlan, speaking for the court, considered what were the elements to be considered in determining the value of railroad property. I think Judge Harlan's views are worthy of consideration by the Congress. He was one of our greatest constitutional lawyers and judges. He had all these questions before him, and he laid down the rule and defined the evidentiary facts which should be taken

into consideration in determining the value of railroad property. Now, let me tell you briefly what he said. I quote:

We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the conveyance of the public. And in order to ascertain that value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

Here is the important part:

The present as compared with the original cost of construction.

Mr. Justice Harlan was there laying down the general rule as to evidentiary facts merely; namely, that the court or the commission, as the case may be, in fixing the value of railroad property for rate-making purposes, or for other purposes, under the interstate commerce act, must have before it, not as a conclusive fact, but as an evidentiary fact, the present as compared with the original cost of construction. Now, what is the present cost of construction? Clearly that means what it would cost at the present time to reproduce the railroad where it is in its present condition. That would necessarily include a determination of what it would cost at the present time to secure the right of way by purchase or by condemnation. It may be difficult to secure such evidence. It would necessarily be but an estimate in any event. But it is proper and necessary evidence, unless the decision in Smythe against Ames does not correctly state the law. And the fact that such evidence may be difficult to obtain does not make it improper or unnecessary. As I have said, if such evidence is improper or impossible to obtain, or unnecessary for consideration in the fixing of the value of railroad property, I do not think the Supreme Court would by mandamus compel the Interstate Commerce Commission to proceed with the assembling of such evidence as has been done in the Kansas City Southern case.

The original valuation act was passed in March, 1913. It just happened that it included all the necessary evidentiary facts in the legislative enactment and required the Interstate Commerce Commission, in proceeding to value the property of the railroads, to take into consideration the very things which the Supreme Court in Smythe against Ames said must be taken into consideration. I have no doubt the Supreme Court decision in that case was used in drafting the valuation act.

My friend the gentleman from Illinois [Mr. GRAHAM] said a thing which could not be done, that it was too speculative. I want to read to you what Judge Prouty had to say about that. He is the man who has charge of doing the work of the commission. I said a moment ago that I was opposed to this bill because I think it is a futile thing. As a matter of fact, the work has been practically completed and we are now passing a law to stop the Interstate Commerce Commission from doing a thing which it has already done. As I said, this legislation may be of some political benefit to somebody, but I am now talking about the real value of the legislation. Here is what Judge Prouty said last year after the decision in the Kansas City Southern case. Here is a man who knew more about this subject than any other man in the country, because he had charge of the work of valuation from the beginning of it in 1913. Here is what he said:

At the same time, while I believe that the bill ought to pass, I should perhaps add that we are proceeding in a satisfactory way with this work, and that the result when completed, within the limitations proposed, will be accurate.

My friend, the gentleman from Illinois [Mr. GRAHAM], said that you can not do this at all; that you can not reach any definite or accurate conclusions. Mr. Prouty says that the results will be accurate. He further said:

Immediately after the decision of the Supreme Court in the Kansas City Southern case I organized a force for the development of the facts required, and the work has been proceeding under the immediate direction of our supervisor of land appraisements. I have given special attention to it myself. In my estimate the work is about one-half done.

This statement was made on February 7, 1921, considerably over a year ago:

We should complete it along with our other land work in from a year to a year and a half from the present time.

That is, a year or a year and a half from the 1st of February, 1921, Mr. Prouty said this work would be completed in accordance with the present law. The year and a half has

nearly gone, and yet gentlemen have stood here to-day and said that we ought to pass this law; that it is necessary because the work of valuation can not be completed unless we do pass it. Mr. Prouty further said:

I estimate that this work from now on will cost approximately \$300,000. The doing of this work will not interfere with or delay the balance of our valuation work. The result, in the very nature of things, is an average estimate, but within the limitations fixed by those terms it will be accurate.

Now, how can anyone stand here and in order to help get this bill through say that the work can not be done, when the man charged with doing it says it is being done, and being done accurately?

As a matter of fact the expense involved in assembling the evidence and estimating the present cost of reconstructing the railroads has already practically all been incurred. I understand the field work is already completed. The result of this legislation will be that the Interstate Commerce Commission will not consider the evidence as to the present cost of reconstruction which it has already obtained, and it will expunge from the facts which it finds and reports all estimates as to the present cost of reconstruction or reobtaining the rights of way of the different railroads by condemnation or purchase. Of course, if such evidence is not necessary or proper evidence to be considered in fixing the value of the railroads' property, then no harm will be done. But if such evidence is proper or necessary, as the Supreme Court said in *Smythe* against Ames, then this legislation will result in almost interminable litigation and delays in the final determination of the value of the railroads' properties.

The relevancy of evidence as to the present cost of reconstruction results from this: When private property is condemned for railroad purposes the railroad has to pay two kinds of damages. First, the fair market value of the land actually taken. Second, such damages as the taking may cause to the land not taken. This latter damage is usually referred to as consequential damage. Very often it amounts to far more than the value of the land actually taken. The original cost of a railroad can not be properly determined without including the consequential damages to the property not taken which the railroad had to pay in order to obtain its right of way. If it is proper or necessary to consider at all the present cost of reconstructing a railroad company's property in fixing its value for rate making or other purposes, it would seem to me to be equally proper and necessary to consider the cost, both direct and consequential, which would be incurred in reconstructing or reobtaining such right of way.

Mr. MAPES. Will the gentleman yield?

Mr. DENISON. Yes; I will yield to my friend from Michigan.

Mr. MAPES. Does the gentleman know of any present member of the Bureau of Valuation who is not in favor of the passage of this bill, and who does not say that it is practically impossible to arrive at any proper scheme of valuation without it?

Mr. DENISON. I do not know whether any of the present members of the Valuation Bureau are in favor of it or against it. I have not talked with any of them. I do not know what any of them say about it, but I am giving you what Mr. Prouty, the chairman of the bureau, said nearly a year and a half ago.

Now, this is the reason why I do not think we ought to pass this bill. By passing this bill we are directing the Interstate Commerce Commission to disregard the present cost of construction so far as land is concerned. Suppose we do that and the commission follows the mandate of Congress and disregards the present cost of construction, so far as land is concerned, and makes its valuation of the property of the railroads, and the railroads object to the valuation because the commission has not taken into consideration an element which the Supreme Court of the United States through Mr. Justice Harlan said in *Smythe* against Ames is a proper or necessary element in ascertaining the value of the property. The result will be that the valuations will be set aside, just as verdicts in condemnation cases are set aside when the jury have not been allowed to take into consideration elements of value that are proper to be taken into consideration. Congress can not say what evidence shall or shall not be taken into consideration by a jury in a condemnation proceeding. That is a question of law for the courts. We may pass laws limiting the evidence which may be considered, but such laws will not amount to anything. The Supreme Court will set them aside as invalid if we do not include all the elements that are necessary or proper to be considered in a condemnation proceeding in order that the constitutional requirement that private property may not be taken without just compensation may be satisfied.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. If the law should say that a certain thing should be included and that a certain other thing should not be included, could the court disregard either of them?

Mr. DENISON. What law is the gentleman talking about?

Mr. ANDREWS of Nebraska. If the statute should say that a certain thing should be included and that certain items should be reckoned, as was said in the *Kansas City* case, could the court disregard them?

Mr. DENISON. I will try to explain my view upon that question. The Constitution says that no one shall be deprived of his property without due process of law, and that private property shall not be taken for public use without just compensation. In order to determine the just compensation you have to determine the value of the property taken. The question of the evidence that shall be considered in determining the value of the property taken is a judicial question. It is not a legislative question. I am sure my friend from Nebraska recognizes that to be the case. Congress could not pass any law that would deprive any railroad or anyone else of any proper evidence to be considered in fixing the value of his property. To do so would be tantamount to depriving him of his property without due process of law or without just compensation.

It seems to me that the Supreme Court in the *Kansas City-Southern* case (252 U. S. 178) conclusively settled the question involved in this proposed legislation, and that in view of that decision this bill ought not to be passed. The Interstate Commerce Commission accepted literally the views of the court as expressed in the *Minnesota* rate case and governed their action in accordance with the language of the court in that case. The commission in presenting its argument to the court in the *Kansas City-Southern* case took exactly the position that is being taken to-day by those who are advocating this legislation. In presenting their argument to the court in the *Kansas City-Southern* case, the Interstate Commerce Commission used this language:

We are unable to distinguish between what is suggested by the carrier in this record and nominally required by the act and what was condemned by the court (in the *Minnesota* rate case) as beyond the possibility of rational determination; nor is there any essential difference in the actual methods there employed and those now urged upon us. Before we can report figures as ascertained, we must have a reasonable foundation for our estimate, and when, as here, if the estimate can be made only upon inadmissible assumptions and upon impossible hypotheses, such as those pointed out by the Supreme Court in the opinion quoted, our duty to abstain from reporting as an ascertained fact that which is incapable of rational ascertainment is clear.

Because of the impossibility of making the self-contradictory assumption which the theory requires when applied to the carrier's lands, we are unable to report the reproduction cost of such lands or its equivalent, the present cost of acquisition and damages, or of purchase in excess of present value.

The Supreme Court took due notice of its former decision in the *Minnesota* Rate case as thus stated by the Interstate Commerce Commission, and after quoting from that statement of the commission the court said:

It is true that the commission held that its nonaction was caused by the fact that the command of the statute involved a consideration by it of matters "beyond the possibility of rational determination" and called for "inadmissible assumptions" and the indulging in "impossible hypotheses" as to subjects "incapable of rational ascertainment" and that such conclusions were the necessary consequence of the *Minnesota* Rate cases.

We are of the opinion, however, that, considering the face of the statute and the reasoning of the commission, it results that the conclusion of the commission was erroneous.

I can not believe that the court would by mandamus have compelled the Interstate Commerce Commission to proceed as required by the valuation act, to ascertain and report the present cost of constructing the railroads by condemnation or purchase, if it had recognized its own decision in the *Minnesota* Rate case as holding that such a task was beyond the possibility of rational determination or that it amounted to indulging in impossible hypothesis or that it was impossible of reasonably accurate ascertainment. Surely the court would not have compelled the commission to do a thing if, as is claimed, the same court had held that the thing could not be done.

Mr. NEWTON of Minnesota. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has nine minutes.

Mr. NEWTON of Minnesota. Mr. Chairman, I yield the remainder of my time to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and gentlemen of the committee, in a matter which is so technical as this it is impossible to do much in nine minutes. What is it the railroads are asking in opposing this bill? They are asking that in valuing the railroads' land they shall not only be given credit for the original



cost of the land and for the present value of the land as compared with the adjacent and similar land, but they are also asking that the commission shall add a speculative additional item of what it would probably cost the railroads to acquire these lands to-day by condemnation proceedings or otherwise. I can not believe that the gentleman from Illinois has read the Minnesota case carefully, for he seems to have failed to catch the way Justice Hughes characterized that proposition. The gentleman from Illinois said that this statute was not involved in the Minnesota Rate case. That is true. The Minnesota case was handed down soon after the valuation act was passed, but identically the same question of policy came up from Minnesota involving State regulations and was involved in the case. Here is what Judge Hughes said in that case:

The railroad has long been established; to it have been linked the activities of agriculture, industry, and trade. Communities have long been dependent upon its service, and their growth and development have been conditioned upon the facilities it has provided. The uses of property in the communities which it served are to a large degree determined by it. The values of property along its line largely depend upon its existence. It is an integral part of the communal life. The assumption of its nonexistence and at the same time that the values that rest upon it remain unchanged is impossible and can not be entertained.

Now, that is exactly what the railroads are asking. They are asking us to assume the railroad wiped out, and to leave all adjacent values just as they are, and then estimate what it would cost the railroads to buy into this high state of development to secure a right of way and to secure yards and terminals.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HOCH. I will.

Mr. ANDREWS of Nebraska. Why should there be any credit given to the road for the acquisition of property it already owns?

Mr. HOCH. I think there should not be, and that is all that this bill proposes to take out of the law. I can not agree with the gentleman from Illinois; I think it pernicious for it to remain in the law for it amounts to a declaration of legislative intent that the hypothetical cost of present reacquisition should be taken into consideration in fixing the value of railroad land. Let me give you an illustration in the minute or two I have remaining showing what this means in the figures. The gentleman from Oklahoma asked a moment ago with reference to the value of railroad land in Oklahoma. I happen to have the tentative value fixed by the Interstate Commerce Commission on the land of the Rock Island, Choctaw & Gulf Railroad in Oklahoma. The original cost of the land of that railroad in Oklahoma, according to the figures of the railroad itself, was \$760,163. That is what the land cost them to acquire. The Interstate Commerce Commission gives them a present value upon the same land of \$3,226,259—four times its original cost. Not content with the valuation of four times its original cost the railroad asks under the present valuation act to have the speculative cost of present acquisition figured. What does the Interstate Commerce Commission figure as to that? It figures that the cost of acquisition to-day, under the present high state of development, leaving all other values as they are, would be \$6,130,261. That is what the railroads ask. They are asking you to put a value on the railroad land in Oklahoma of approximately eight times the original cost of those lands.

Mr. MERRITT. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. MERRITT. The gentleman does not contend that even if the valuation committee gave the extra amount that the commission would find that as the value?

Mr. HOCH. I do not know what they would find as the final value, but I say it is mischievous to have Congress say that that is an element of value. That is what it amounts to, and it seems to me an unconscionable claim on the part of the railroads.

I have here a list of the first 100 railroads upon which tentative final values have been fixed by the Interstate Commerce Commission. It so happens that practically all of them are small railroads, with a total mileage of only about 10,000 miles out of 245,000 miles upon which final values are ultimately to be fixed. Upon those first 100 railroads the commission finds that the present value of the railroad lands is \$42,240,816. We do not have all of the figures, but it is probable that the original cost of those lands was not over \$15,000,000. In other words, the present value is found, giving them a value of approximately three times what they originally cost. But that is not all they are asking. They are asking for this speculative reacquisition cost. The commission estimates it would cost, in addition to the present value, \$34,330,214. In other words, they figure that while the present value of the lands of those 100 railroads is \$42,240,816—and that gives them the benefit of what other land has had in normal increase in value—the hypothetical cost of acquisition

now, with other land values high as they are, would be \$76,580,930. And that is the value that the railroads are asking to have put upon their land.

As another specific illustration, take the case of the valuation put upon the land of the Rock Island Railroad in my own State of Kansas. The Interstate Commerce Commission recently issued its tentative final values upon the Rock Island. It fixes the present value of the Rock Island lands in Kansas at \$3,063,345. That figure gives to the Rock Island the benefit of the normal unearned increment—the increment enjoyed by other lands. But, following out the direction contained in the provision of the valuation act which we are here seeking to strike out, it figures the present cost of acquisition of the same lands at \$6,071,257. Now, since the Rock Island has those lands, and does not have to acquire them under the present state of development of the country, what reason or fairness is there in giving consideration to a speculation as to what it might cost the Rock Island to acquire them to-day? Is not an allowance of the present value all, in any view of the matter, that they are entitled to?

Another thing which should not be overlooked is that while in this business of speculating as to the cost of present acquisition they do not speculate as to what proportion of the lands might be donated to the railroads. Indeed, I have it from the Interstate Commerce Commission that, following a ruling of former Director Prouty, they do not assume that any lands would be donated.

As to the final totals that might be added to railroad land values, if the contention of the railroads were agreed to in this matter of reacquisition cost, it is impossible now to estimate closely. But the figures to date indicate that it would probably be double the figures on present value. It would mean certainly an additional \$1,000,000,000 to railroad land values, and some estimate it as high as four or five billions. Taking two billions as an estimate, that means that in order to earn a return upon that additional amount there would be added over \$100,000,000 a year to the transportation costs, the freight and passenger burden of the country.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The Clerk will read the Senate bill for amendment.

The Clerk again reported the Senate bill.

Mr. NEWTON of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 539, to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, under a special rule authorizing its consideration, and had instructed him to report the same back to the House without amendment, with the recommendation that the bill do pass and that the bill H. R. 6043 do lie upon the table.

The SPEAKER. The rule under which the bill has been considered provides that the previous question shall be considered as ordered. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MERRITT) there were—ayes 49, noes 18.

So the bill was passed.

On motion of Mr. NEWTON of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, House bill 6043 will lie upon the table.

There was no objection.

#### LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FUNK, until June 10, 1922, on account of important business.

To Mr. BLANTON, indefinitely.

To Mr. PARKS of Arkansas, at the request of Mr. WINGO, indefinitely, on account of important public business.

#### RECOMMITTING CERTAIN BILLS TO COMMITTEE ON CLAIMS.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the bills H. R. 8186, 9941, 9942, and 9432, which have been reported by the Committee on Claims and are now on the Calendar, be recommitted to the committee.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, nobody knows anything about what these bills are.

Mr. EDMONDS. Mr. Speaker, the Treasury Department wishes to reconstruct these bills in another form. They are bills for the reimbursement of lost securities. In addition to that, we have some new testimony in regard to them which I would like very much to examine.

Mr. WINGO. Mr. Speaker, what is the nature of the bill?

Mr. EDMONDS. These are four bills for lost securities.

Mr. WINGO. And the Treasury Department has requested the gentleman to withdraw them and have them reconstructed?

Mr. EDMONDS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### EXTENSION OF REMARKS.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent that Members who spoke upon the bill (S. 539) amending the act to regulate commerce have the privilege of revising and extending their remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, will the gentleman make that some definite time?

Mr. NEWTON of Minnesota. Yes; within five days.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that Members who spoke upon the bill amending the act to regulate commerce have five legislative days within which to extend and revise their remarks in the RECORD. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon immigration legislation during the Sixty-sixth and the Sixty-seventh Congresses.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. BOX. Mr. Speaker, the first efforts to control immigration were made by the States, but the laws passed by them were ineffective and were finally declared void, because Congress alone had power to legislate adequately on the subject. An almost fatal delay in meeting the perils of the immigration situation has already occurred.

The act of 1917, which, because of the force of public sentiment behind it and because of the overwhelming demand in Congress for restriction, was passed over the President's veto. It has been estimated that that act would keep out about one-fourth of those who were coming during the preceding years, but the flood was rising so high that the three-fourths who would continue to come would probably tax the carrying capacity of passenger shipping, and thus pour upon us a number as great as the ships could bring, notwithstanding the restrictions of the literacy test, the enactment of which was certainly a step in the right direction.

Immediately after the close of the war, while that act was in force, the tide began to rise higher and higher, and threatened to pass all former flood stages, but it was still difficult to enact an adequate law.

Finally the House organization was forced, by public sentiment, to respond to the continuous, insistent demand of those Members of Congress who saw and pointed out the peril to which our people were exposed by an overflow of vast alien populations upon us. An act was passed during the last days of the Sixty-sixth Congress, the first of which I was a Member, which would have kept out four-fifths of those who would have come. That act died for lack of the President's approval. Another was passed by the House early in 1921.

While that act was not what it should have been it was the best that could be obtained. I said of it on the floor of the House, at the time, that it was too weak. But many groups and special interests banded together under camouflaged names, such as "The Interracial Council," under other names, and no known name, to oppose that bill in the Senate after it had passed the House.

As one of the members of the House committee I had made the fight in the committee and in the House itself for its passage.

When the legislation was being delayed and opposed in the Senate I went before the Senate Committee on Immigration in favor of its passage and in opposition to its being weakened or broken down by exceptions which would flood the country with Mexican peons and other pauper laborers. A veteran newspaper correspondent, who saw the fight I was making before the

Senate committee and the powers of the opposition, said that it was a fight for the welfare of the people as against special interests. The following are his words used at the time:

To a large degree the hearings were a case of the general interest versus special interests. For example, a Texas Congressman, JOHN C. BOX, stated that the masses of his constituents do not want Mexican peon labor to come in, and placed his objection on the same fundamental social grounds that constituted the objection to bringing in slaves before the Civil War.

Immediately after Congressman Box's testimony the committee was inundated by telegrams and personal representations from the great Western Sugar Co., the Utah-Idaho Sugar Co., the Texas Land Owners' Association, and similar organizations. Against the compactness and alert energy of these special interests the lone and unorganized advocates of restriction had an air of futility. (Mark Sullivan, in New York Evening Post.)

The special interests, representing alien groups and greedy financial interests, made a clamor which the unthinking might have regarded as an expression of public opinion, but those of us who were in the thick of the fight knew that the present and future welfare of the country was at stake, and believed that the will of the people would effectually assert itself in support of our contention. The sequel showed that the fight was not futile.

While the bill was hanging in the Senate I again took up the question on the floor of the House for the purpose of exposing the unwholesome and sinister influences opposing the bill in the Senate, and among other things said in the House on Saturday, January 8, 1921, that the influences of the foreign-born and their kinspeople and the power of individual and corporate greed were opposing with ominous results the efforts of the people to protect themselves and their country against the peril of a threatened overflow of millions of aliens, such as have destroyed many nations throughout the history of mankind.

Finally, the fight being made and public sentiment for restriction prevailed, and the Senate passed the measure with some good amendments, proposed by men like Senator HARRISON, of Mississippi, and supported by Senators CULBERSON and SHEPPARD.

As stated, we had been getting from 750,000 to practically 1,300,000 immigrants from the Old World every year, many of whom were of the most degraded and wretched type.

During the last 10 years immediately preceding the World War 10,121,859 aliens came in as regular immigrants. In addition to these, great numbers came as nonimmigrants, as deserting foreign seamen, and by many other irregular methods, including vast numbers illegally smuggled in. The war had temporarily stopped them, but in 1919, the next year after the World War closed, the flood began to pour in again. About 400,000 came in the year ending with June, 1920, which increased to about 800,000 for the year ending with June, 1921.

It was known by all who were informed on the subject that 1,200,000 to 1,500,000 of these unhappy creatures would come during the next year, ending with June, 1922. But in May, 1921, I had the very great privilege of helping to write and fight through to passage the act which reduced the number coming during that year to but slightly more than one-fourth of what had come the preceding year and to less than one-fifth of what would have come that year but for that act. So that instead of having 1,200,000 to 1,500,000 unhappy and dangerous people poured from the Old World into America in that year, when there was much unemployment, much restlessness, and much genuine distress among our own people, the number was reduced to but slightly above 200,000, or less than one-fifth of those who would have come had the new law not stopped them.

But that act was to expire with June, 1922, when a new, big rush would start. Unless a better law could be enacted it must be amended and extended as long as possible. The fight was renewed and carried on persistently until an act was passed amending and extending it for two years more. That law will expire again during the life of the Congress to be elected this year. I urged upon the committee that a more logical and permanent law should have been written; but this was the best that could be obtained in the face of the complicated situation and the powerful and sinister opposition to the legislation. It must be still further amended and continued. The fight will be a long, hard one; in fact, this contest will go on as long as the overcrowded world wants to overflow on us. No one can foresee the result with certainty; but every fighting American who wants this country saved for ourselves and our children must be determined that this fight shall be won. A few more decades of pouring Asia, Europe, and Africa into the United States at the rate of 1,200,000 to 1,500,000 per year and our America will have ceased to exist. Indeed, there will be hundreds of motley, mongrel, anarchistic, jabbering millions here; but with such a people in the ascendancy, the country will have ceased to be our America.



Just now there is a hidden, sinister plan to "dig under." It is hoped, by a system of mining and sapping, to divert the control of this important question, this question of life and death, from the Halls of the Congress elected by the people, and place it in the secret chambers of the treaty-making power, over which the will of the people has much less direct and effective control, and with the Shipping Board and steamship companies, whose only interest is to make money by bringing millions from the Old World to America.

It has been my privilege to point out the danger of this in a recent speech made by me in the House, which will be found in the CONGRESSIONAL RECORD of May 5, 1922, to which I refer.

If anyone wishes to know how deep is the alarm of the American people of America on account of this vast overflow of alien peoples on us, he should see the great number of letters written by Americans from every part of the country to members of the House Committee on Immigration and Naturalization. I use the phrase "American people of America" deliberately, because there are now many millions in America who are not American in name, or language, or character, or desire, or true allegiance. These include many of alien races naturalized or born here whose hearts, like the hearts of their fathers, still give paramount homage to the old countries and clans from which they sprang. If tempted to it, under circumstances permitting it, they would side with alien races and foreign lands. Of course, all such oppose the efforts of America to protect herself against the un-American, often anti-American, invading hordes which such aliens love better than they love America. These and greedy financial interests, with whom the dollar is above country and God, by scheming, propaganda, falsehood, and corruption, strive to prevent the enactment of laws or to break them down after they are enacted. But Americans see the peril and want the country protected.

To quote any considerable percentage of these letters, of which I have great numbers, would unduly burden the RECORD, but I insert below a few typical ones, including none of the many coming from my own district and State and only the slightest fraction of those coming from elsewhere:

Congressman Box,  
State of Texas, Washington, D. C.

MY DEAR CONGRESSMAN: I had the great privilege of reading your speech in the House recently, published in the CONGRESSIONAL RECORD. I refer to your address on immigration. I have been studying this situation and condemning it for several years, and I want to extend to you my heartfelt appreciation of your viewpoint and sentiment with regard to this all-important subject. \* \* \*

A. O. PIER.

POTTSVILLE, PA.

Congressman J. C. Box: I congratulate Texas and the whole Nation on having such a splendid Congressman as they have in you. I refer to your recent immigration speech in the House.

A. D. BOYER.

WASHINGTON, PA.

Congressman Box: Your recent speech on immigration, like all your other speeches, was capital. You're a real statesman and genuine American. \* \* \*

J. W. WASSON.

HARVARD UNIVERSITY,  
Cambridge, Mass., May 8, 1922.

DEAR JUDGE BOX: I have just read with the greatest satisfaction your admirable speech of May 5 with reference to the provisions of the marine subsidy bill, with reference to foreign inspection of aliens. \* \* \* It is more satisfaction to me than you can realize to feel that you are so constantly on the alert watching for every opportunity to urge the need of restriction (of immigration). \* \* \* I only wish there were more men in Congress like you.

ROBERT C. DE WARD.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the Cape Cod Canal bill.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUDDLESTON—

"Unload it on Uncle Sam."

The Committee on Interstate and Foreign Commerce has favorably reported the bill H. R. 11674, which provides for the purchase by the United States of the Cape Cod Canal at a price of \$11,500,000, with the view to its operation by the Government as a toll-free canal. As a member of the committee it was my purpose to submit an adverse minority report. However, due to delay in printing the committee hearings, same did not become available in time for me to file the minority report along with the majority report. Hence I extend my remarks in the RECORD for the purpose of expressing my views upon said measure.

Some 20 years ago August Belmont and his associate financiers conceived the plan of constructing a canal across Cape Cod so as to connect Buzzards Bay with Cape Cod Bay, and thereby shorten the water route from New York to Boston some 65 miles and avoid the dangers of passage around the cape. The canal was opened for traffic in 1914.

The venture was a purely commercial one entered into for purposes of profits. However, the hopes of its promoters were not borne out. The canal was not a financial success. By 1917 it had become certain that the canal could never earn interest on the investment. To quote the statement of Hon. Newton D. Baker, made before the Committee on Interstate and Foreign Commerce in 1920, while he was Secretary of War:

These gentlemen built this canal; they thought it was going to be a great commercial success; they found it was more expensive to build than they had anticipated. They found very great difficulty in tempting people to use it. \* \* \* And so they came to the conclusion that there was not enough liveliness to their hope of large commercial success to justify their continuing to carry the burden, and so they came to Congress. \* \* \* They have been seeking to get the Government to take this burden off their shoulders, and they have said, "We were patriotic in doing this; we were trying to build a great highway for the commerce of the Nation, and we find that the burden is so great that private enterprise ought not to be asked to sustain the losses that are involved in carrying it to a profitable status." And therefore they said, "Being a public work, Congress ought to take this off our shoulders."

#### THE FIRST STEP TOWARD UNLOADING.

Of course, the first step toward unloading the canal on the Government was for its owners to appeal to the commercial instincts of Boston and other New England interests. "If the Government acquires the canal, tolls will not be charged; this means a saving of 10 cents per ton on coal, and more upon other traffic—you will have water competition with the railroads." These were the arguments. Civic bodies were influenced to take action. Hired solicitors circulated petitions which the public were asked to sign. Even the help of labor bodies was invoked.

Hon. John W. Weeks, then a Senator from Massachusetts, introduced a bill—the opening wedge. He succeeded in getting the Senate to accept the substance of his bill as a rider upon the river and harbor appropriations act approved August 8, 1917. The House had never considered the matter. Its committee had not heard of it. However, the conferees agreed, with a slight amendment.

The rider was ingeniously worded. It authorized the Secretary of War, "subject to future ratification" by Congress, to make a contract for the purchase of the canal, or, if unable to agree upon the price, to conduct condemnation proceedings, "the acceptance of the award in said proceedings to be subject to future ratification and appropriation by Congress." The sum of \$5,000 was appropriated to cover all expenses.

The war was on. There was a submarine scare. The Railroad Administration took over the canal under the Federal control act. Its use was greatly increased by governmental pressure. These circumstances aided the powerful interests pressing upon Secretary of War Baker. He was induced to offer \$8,200,000 for the canal and subsequently to start condemnation proceedings. An award was made in the lower court, which was reversed on appeal, so that such proceedings remain in their initial status.

Then there came a change in administrations. Mr. Baker, who had refused to pay more than \$8,200,000, went out and Mr. Weeks came in. As a Senator he had driven the opening wedge to unload the canal on the Government. He lost no time in agreeing with the canal owners to pay them \$11,500,000 for the canal.

#### WEEKS HAD NO AUTHORITY.

Under the terms of the act of 1917 the authority of the Secretary of War spent itself when, being unable to agree with the canal owners, the matter was referred to the Attorney General for the institution of condemnation proceedings. The ball was then passed to the Attorney General; it yet remains in his hands.

Secretary of War Weeks in making his agreement with the canal company was in the legal sense an interloper and a volunteer—he had no official authority. But technicalities of this kind did not trouble him. Promptly he agreed to buy the canal.

A bill to confirm Secretary Weeks's contract was introduced by Mr. WINSLOW, also of Massachusetts. The rider which had constituted the entering wedge was upon a river and harbor appropriation bill. The subject was one which the Rivers and Harbors Committee might well have considered. However, the Speaker, also of Massachusetts, promptly referred this bill to the Committee on Interstate and Foreign Commerce, of which Mr. WINSLOW was chairman, a committee having among

its members a number of influential and respected Representatives also from New England.

Promptly again the committee laid aside its grave and important public business to consider the canal purchase which Mr. Weeks had agreed to. The Sweet and Hoch bills to amend the transportation act of 1920, the Newton coal bill, soldier relief measures, in fact, dozens of other matters of pressing public moment were laid aside—the Cape Cod Canal took the right of way.

Behold, first to press his measure upon the committee was Secretary of War Weeks. He even argued that our Government was honor bound to buy the canal; that equity and good conscience required that Congress should approve his action. On July 26, 1917—page 5498 of RECORD—Mr. Weeks had said in the Senate:

I wish frankly to say at this time that with the information that Congress has, if the appropriation had been required for the purchase of the canal without additional information I should not have pressed it, but the monetary importance in this matter is of so slight importance that it did not seem to me there was any objection on that score.

On the strength of that statement the Senate adopted his rider. Now he says that Congress is honor bound, that we are morally bound. Yet his original measure had carried the provision that all actions taken under it should be subject to the approval of Congress.

#### A "NEW PROJECT"—NO PRESSING NEED.

The purchase of Cape Cod Canal has the same status for congressional action as would have a measure for the construction of the canal at the beginning. Its status is the same for our practices as though a proposal for the construction of the canal was now being brought forward for the first time. In this sense it is a "new project."

On the other hand there is no emergency. Indeed, there is no necessity for early action. The canal is now in operation. To the extent of its capacity it may be used as fully as though it was Government owned. The only difference is that now in private ownership tolls must be paid. If the Government buys the canal it will, of course, be toll free. The item of tolls is all that any interest can at present find upon which to base any pressure for purchase by the Government. In so far as there is any pressure for the passage of this bill not created in the interest of the canal owners, it is based upon the desire of certain users of the canal to be relieved of paying tolls for such use.

Upon what theory it may be urged that the Government owes the duty to the citizen to furnish him at public expense a free artificial waterway for his convenience, I confess that I am unable to see.

#### LARGE FUTURE EXPENDITURES.

But while the canal is already constructed and under operation it is certain that once the commercial and shipping interests succeeded in getting the Government to buy the canal they will begin to press for its enlargement. Indeed, already a principal reason given why the Government should buy the canal is that it should be enlarged to a 35-foot depth by 200 feet width and that such enlargement will not be done by private enterprise and, indeed, will not be profitable from a commercial standpoint.

Let not Congress assume that by passing this bill its advocates will be satisfied. They will use that success mainly as a basis for pressure that further construction work at a cost of many millions of dollars shall be entered upon. It is difficult to fix the mark to which expenditures will go if we buy the canal. On this point I do not believe that I can do better than to quote what the able and respected Representative, Hon. JOSEPH WALSH, also from Massachusetts, said in the House while the subject was under discussion on August 3, 1917. Referring to the Cape Cod rider, Mr. WALSH, in whose congressional district the Cape Cod Canal lies, said—page 5731 of RECORD:

Mr. WALSH. I have voted against the bill and expect to vote to recommit it, and also expect to vote against the conference report.

Mr. SMALL. And this particular item?

Mr. WALSH. And am opposed to this item because it will involve an expenditure of over \$50,000,000 before this Government gets any benefit from it.

And mark you how the applause of the House followed upon that frank statement.

#### AGREED PRICE TOO HIGH.

It is not my desire to discuss at length the price Mr. Weeks proposes to pay for the canal. Mr. Baker, after careful investigation, refused to offer more than \$8,200,000 for it. He had gone into the matter exhaustively. See his report to Congress, page 213 of hearings; also see report of General Black, page 214 of hearings.

The Government had employed a firm of accountants, Price, Waterhouse & Co., who examined the canal company's books and accounts exhaustively. The direct cost of actual construction of the canal was found to be \$6,243,171.01; interest and taxes during construction, \$748,112.40; total, \$8,265,743.04, substantially the same as the amount which Mr. Baker had offered to pay. The canal company claimed that in addition to above items of direct cost they had expended \$4,787,410.67 in capital stock for rights, franchises, and services of promoters, and so forth, making a total alleged cost of \$13,053,153.71, counting the stock and bonds at par.

Mr. Baker's offer of \$8,200,000 for the canal was based upon the Report of the Board of Engineers for Rivers and Harbors. See page 218 of hearings. I quote from section 16 of said report, as found on page 221 of hearings:

While the board has concluded that \$10,000,000 would be a fair price for the canal, based upon the reported expenditures, it is not convinced that an investment of this amount is justified on the part of the United States in order to make this a free waterway. The information submitted indicates that the claimed advantages of this route over the outside one around Cape Cod have diverted from the latter only about one-fifth of its tonnage. \* \* \* At 4 per cent, the interest on \$10,000,000 would amount to \$400,000 a year, and, allowing \$200,000 a year for the cost of maintenance and operation, the total annual charges on this basis would amount to \$600,000.

The saving to be effected by the canal is estimated by various parties interested at from 5 to 10 cents a ton. Assuming a saving of 8 cents a ton, a commerce of 7,500,000 tons a year would be required in order to make a saving equal to this estimated annual cost to the public of acquiring and operating the present canal without enlargement or further protection. This is more than one-half the total annual cargo movement between New England and points south, as estimated by Colonel Shunk in paragraph 4 of his report on May 13, 1918. (See p. 77.) Assuming that the saving should be at least double the cost to the public in order to warrant the charge upon public funds, the admissible public charge for this tonnage, which is far in excess of the traffic to be expected in the near future, should not exceed \$300,000. Subtracting \$200,000 for annual cost of maintenance leaves \$100,000 for interest charges, which at 4 per cent corresponds to a capital investment of \$2,500,000. This amount, therefore, is apparently an upper limit of any justifiable expenditure by the United States to acquire public ownership for commercial purposes.

I ask close study of the report of the Board of Engineers for Rivers and Harbors from which I have quoted this extract. It shows why the owners of the canal want to sell. It shows that the canal can never be a success as a commercial proposition. It shows that no private interest can afford to own the canal.

Now, manifestly, if the canal is worth only \$2,500,000 to a private interest, it is worth no more to the Government. It can not possibly be worth more to the Government than the benefit which the general public—users of the canal—can derive from its toll-free operation. The fact that the Government is to bear the cost of owning and operating the canal is unimportant. The Government can not afford to own and operate unless its citizens—the public—derive a benefit equal to its cost of owning and operating. Such benefit, of course, may not be wholly reflected in terms of tolls-earning capacity. Subject to this thought, it is clear that any price which the Government may pay for the canal above what it could be made to earn interest upon if privately operated is excessive.

#### CANAL HAS SMALL VALUE FOR NATIONAL DEFENSE.

These people who are trying to sell the canal to the Government lay stress upon its value for purposes in connection with military and naval strategy. On this point I quote from letter from the General Board of the Navy dated August 19, 1916, found in section 17 of the report of Board of Engineers for Rivers and Harbors, page 222 of hearings:

The expense of rendering the Cape Cod Canal available to all types of naval vessels not only requires a considerable expenditure for enlarging it but also additional continuing expense for the maintenance of such increased size, and an even greater expenditure for the defenses that should be given an important military waterway at a salient of our coast. Such large additional expenditures are not warranted by the apparent increased military advantages of having the canal available for the passage of ships requiring a depth of over 25 feet at mean low water.

The board has no doubt of the advantages of a sufficient depth and width to permit the passage of battleships. It adheres, however, to its previous expressions to the effect that military necessity is not sufficiently great to warrant the department in urging the expenditure of public funds to that end.

The Board of Engineers for Rivers and Harbors upon this point report as follows, page 222 of hearings:

The Board of Engineers for Rivers and Harbors has no data upon which it can assign a definite value to the canal for these naval uses. As the canal is a going concern and now available for military and naval uses upon payment of reasonable tolls, there is no urgency for acquisition of the canal for these purposes, unless it is deemed essential to enlarge it to accommodate capital ships of the Navy, which is apparently not the case. The value of public ownership for any uses that can be made of the present canal would obviously be due to the saving of tolls on Government vessels.

Bear in mind that the reports from which I have quoted were made during the war period, at a time when almost anything was being done which it was claimed would promote the national defense.



## AN ADMINISTRATION MEASURE.

This is an administration measure. Mr. Secretary Weeks has seen to that. As Secretary of War he pressed it upon the committee. He brought with him, for their influence, Secretary Hoover and Secretary Denby. They want his contract ratified by Congress.

The present administration came in upon the slogan, "Get the Government out of business," and, safe in, is giving the people a startling interpretation of its meaning. Get the Government out of business when it is profitable—get the Government into the business of lending money to railroads and subsidizing ship-owners when it is unprofitable. Get the Government out of business where in competition with profiteers and dollar grabbers—get the Government into business when no profit is probable. Get the Government out of the railroad business which would furnish transportation at a reasonable cost—get it into the business of furnishing a toll-free canal.

The gentlemen advocating this bill have a spasm whenever Government ownership of railroads is mentioned, yet they want a Government owned and free canal. It makes all the difference in the world to their principles whether the vehicle of commerce moves on rails as a freight car or upon water as a barge. They would have the Government provide a free canal, "but none but a Bolshevik would think of the Government owning a railroad," even though a charge was made for its use. So long as there are profits to be made these gentlemen are for unrestrained individualism; they view all Government ownership with abhorrence. But when the enterprise promises no reward, like the Cape Cod Canal, then it is "Unload it on Uncle Sam."

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon Federal legislation in respect to education.

The SPEAKER. Is there objection?

There was no objection.

Mr. FESS. Mr. Speaker, at the close of the World War I addressed the House on "A Crisis in American Education." I had made a survey of the situation by addressing governors of States and State superintendents of public instruction and others on the loss to the schools of efficient teachers.

The replies were discouraging on the existent situation for the most part and not reassuring to any degree for the immediate future.

The low range of salary as compared with salaries in other fields was the cause given for the loss to the school service of much of its best talent. This feature discounted school work as a profession to the young man or woman. Patronage of training schools fell off at an alarming rate, while in professional schools it was quite to the contrary. The standard of teaching was inevitably lowered when, from every standpoint, it should have been elevated to meet the increased complications of the future.

This feature of education demanded attention by both State and Nation. It was the basis for the demand for Federal aid. The draft records, when the Army was built, disclosed some of the most astounding facts in our educational situation. They revealed an amazing adult illiteracy in which a large per cent of our young men of draft age, capable otherwise for service, were so illiterate they could not read the orders. This was especially true in specific sections of the country. They either had to be rejected or at once placed in squads for elementary training in the merest rudiments.

This led to a demand for Federal aid to remove adult illiteracy for a defensive, if no other reason. It has been the policy of the country that it could not afford to allow its citizens to grow up in ignorance, hence the existence of compulsory education in most of the States in the Union.

The draft records disclosed another most startling fact, viz, 35 per cent of those examined were found physically defective for military service, and medical authority stated to a committee of Congress that 80 per cent of these physically incapacitated could have been relieved of the defect if taken in charge at school age for treatment.

This led to a demand for better physical education in the public schools. This demand took on a national interest and Federal aid was sought to help care for the problem. The war also brought out and emphasized the problem of Americanization of the foreigner.

There was discovered a very respectable number of foreign people who had come to take advantage of the benefits of our country. Many had become naturalized citizens, others had taken out their first papers but had not completed their naturalization, while a vast number had taken no steps to become a part of the Nation but were here simply to profit from the country's advantages.

It was noted that some naturalized were unwilling to serve the Nation at war. Many who had not completed their steps for citizenship pleaded that fact as a defense from conscription. Many aliens did not only refuse to serve the Nation but were violent to the point where the Government had to take steps to deport them. While it was estimated that 60,000 such were apprehended, only about 500 were actually deported.

The alien can be handled by legislation, through deportation, if he refuses to abide by the laws of the country. Those who so act can be Americanized through our school facilities. But there are in our midst many, not foreigners or aliens, but Americans, who must be dealt with not so much by law as by education. The Americanization of the un-American American is our most difficult problem. The remedy here is education, and while it is conceded that education in the main is a State matter, this feature of Americanization is certainly a Federal function. This phase of the subject is the basis of the demand for Federal aid in the work of Americanization.

In the United States, unlike other countries, we have no national system of education. Popular education is now and has always been primarily a State matter. So we have State systems, as many as we have States, but no national system.

But with the growth of the Government and new emphasis constantly placed on intelligence as the basis of popular government, there has been a gradual recognition of education as a Federal as well as a State function. This principle was recognized when the land-grant college was established, and in the several amendments enlarging the range of the law. It was again recognized in the agricultural extension act, known as the Lever Act. It was again recognized by the wide extension of the Agricultural Department in Washington, which in its research work is largely educational. It was again recognized in the Smith-Hughes vocational educational legislation in 1917. It was again recognized by the soldier rehabilitation act, and again by the industrial cripple act.

There is no question about the constitutionality of the legislation for Federal aid, nor whether we have adopted it as a policy. These are established by what has already been done. Federal activity in education has been growing steadily in spite of the limitation of the Federal Bureau of Education. This has reached a point where a demand is justified for a better rank of Federal education. That demand has taken the shape of a Department of Education with Cabinet rank.

In the light of the needs as disclosed by the war, bills were introduced covering all the items of (1) Department of Education, (2) Americanization, (3) physical education, (4) removal of adult illiteracy, (5) training of teachers, and (6) increased salaries for teachers. While most of these subjects are covered by separate bills now pending in Congress, one bill, embracing all of the items, is also before Congress—the Sterling-Towner bill, formerly the Smith-Towner bill.

The Education Committee of the House in the Sixty-sixth Congress conducted hearings on the Smith-Towner bill and also on the separate bills. The committee considered and reported favorably the Smith-Towner measure, but it failed to reach consideration of the House before adjournment.

In the present Congress, all these measures were again introduced. Also another bill was introduced providing the establishment of a public welfare department, recommended by the President. At the beginning of the extra session of the present Congress a reorganization committee was authorized to report a plan for a complete reorganization of all the executive departments.

Since there were two proposals for the creation of additional executive departments before the Committee on Education, one department of education and the other department of public welfare, it was thought best not to consider further either until a report of the Reorganization Committee, which had the entire field to cover, was made.

This reorganization plan is now before the President and has been the subject of some Cabinet meetings. It is expected to be laid before Congress in the near future, either as a complete or partial report.

The friends of education are to be congratulated upon that portion of the report relating to education. It recommends a new department of education and public welfare. This is the original suggestion I made to the President after failing to secure his indorsement of the department of education. He had committed himself to a new department of public welfare, to which he was devoted in the fulfillment of a pledge he had made during the preelection campaign. I introduced the bill in the House, and Senator Kenyon in the Senate. Hearings were conducted, but consideration was deferred awaiting the report of the Reorganization Committee. For the same reason consideration of the Sterling-Towner bill was deferred.

The prospects for legislation for a department giving education its proper place are very good.

When this stage is reached and passed, then the way opens for advanced legislation on the various subjects of physical education, Americanization, adult illiteracy, and home economics. These proposed measures, although existing as separate bills, were also included in the department bill. No one of them would be taken up before the larger bill, and it could not be taken up awaiting the reorganization plan. While I have hoped that the reorganization plan will in due time be before Congress and will meet the approval of the best judgment of the teachers, in case it is not forthcoming within a reasonable time I shall feel obligated, as chairman of the Committee on Education, to take up for consideration the measures now before the committee, including the Sterling-Towner bill.

The committee, having favorably reported this measure in the last Congress, will doubtless give it favorable consideration now. I am hopeful that the reorganization plan will be ready for consideration soon. It will give us a plan upon which we can unite the two pledges to the public and serve best the Nation's highest interests.

Notwithstanding the delay in legislation granting Federal aid to education, there has been a very marked improvement in the educational situation since the war. Boards of education have as a general principle met the fatal error of lack of compensation. This has been done by State authority, which has been the most important item in the State's increased taxation. In some States, such as Ohio and Pennsylvania, this item has been pronounced. School facilities as a rule are readily supplied to meet the rapid growth of school interests.

Recently a school authority published figures upon the growth of school attendance since 1870. They were given in percentage of enrollment to age population. It increased in sixth grade from 69 per cent in 1870 to 92 per cent in 1918; in the seventh grade from 60 per cent in 1870 to 78 per cent in 1918; and in the eighth grade from 44.5 per cent in 1870 to 72 per cent in 1918.

The growth of attendance in high school first year showed an increase from 5 per cent in 1870 to 35 per cent in 1918; in the second year, from 3 per cent to 24 per cent; third year, from 8 per cent to 17 per cent; last year, from 1 per cent to 13.7 per cent. This ratio will show increase since that year. It shows very well when compared with foreign countries, as the highest rate of attendance in Europe, according to this same authority, is in Scotland, which was 8.1 per cent for the period of our high school, which here in 1914 was 16.2 per cent.

The most encouraging feature of the entire educational situation is the substantial recognition of education as a profession. The immediate prospects are much better and are now promising to hold out to the able young men and women a better field for their talents, in which reasonable remuneration as well as proper recognition are to be assured. This is a good omen for America.

There is another educational interest which has greatly appealed to me for years, viz., the establishment here in Washington of a great research institution, a national university. There is no place where can be found such an abundance of research material in the way of library and laboratory facilities as in the Capital. If an organization for the utilization of these materials by specially adapted and qualified research investigators were effected, in time this Capital would become the greatest center for research training, as it is already the greatest center of scholarship in the country, if not in the world. This city of Washington would soon become the Mecca of all the world for special students striving to add to the sum of knowledge. There is no limit to be placed on the possibilities of discovery and invention of a proper use of these facilities by the brightest minds of the country. I hope Congress will in time embrace the opportunities lying before the Nation along this line of achievement.

#### WAR FINANCE CORPORATION ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report which the Clerk will report.

The Clerk read as follows:

#### House Resolution 353, Report 1062.

*Resolved*, That upon the adoption of this resolution it shall be in order to consider the bill S. 2775, being an act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule states the title of the bill, which is to extend the activities of the

War Finance Corporation for another year. Does the gentleman from Tennessee desire some time?

Mr. GARRETT of Tennessee. Is it a Union Calendar bill?

Mr. CAMPBELL of Kansas. It is a Union Calendar bill. If the gentleman from Tennessee desires no time, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken and the resolution was agreed to.

Mr. McFADDEN. Mr. Speaker—

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present. If we are not going to do anything under this rule which has been adopted—

Mr. MONDELL. I wish the gentleman would withhold that. I think we ought to begin the consideration of the bill.

Mr. WALSH. If that is the intention, I withdraw the point.

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2775) and, Mr. Speaker, pending that, I ask if we can not come to some arrangement as to time for general debate?

Mr. WINGO. What time does the gentleman suggest?

Mr. McFADDEN. I will say that I have calls for quite considerable time. I realize the importance of early and favorable action on this bill, and I suggest an hour on a side. Can the gentleman get along with that?

Mr. WINGO. Does the gentleman figure on sitting here and concluding to-night or putting it over?

Mr. McFADDEN. I think we can get started to-night, as I understand the House will be in session to-morrow, and we can finish it to-morrow morning.

Mr. WINGO. What is the gentleman's request?

Mr. McFADDEN. The request is that the debate be limited to two hours.

Mr. WINGO. How controlled?

Mr. McFADDEN. One-half to be controlled by the gentleman on this side and one-half on that side.

Mr. WINGO. One hour is to be controlled by the gentleman from Pennsylvania and one hour by myself.

Mr. McFADDEN. Yes.

Mr. WINGO. That is satisfactory.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the time for general debate be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from Arkansas [Mr. Wingo]. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The question was taken and the motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2275), with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2275), which the Clerk will report.

The Clerk read as follows:

An act (S. 2775) to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921.

*Be it enacted, etc.*, That the first sentence of section 23 of the War Finance Corporation act, approved April 5, 1918, as amended, is amended to read as follows:

"Sec. 23. That notwithstanding the limitation of section 1, the advances provided for by section 21 and section 22 of this act may be made until July 1, 1923."

"Sec. 2. That the last sentence of section 24 of such act as amended, is amended to read as follows:

"Advances or purchases may be made under this section at any time prior to July 1, 1923."

The committee amendment was read as follows:

Strike out all after the enacting clause and insert: "That the time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange, or other securities under the terms of sections 21, 22, 23, and 24 of the War Finance Corporation act, as amended, is hereby extended up to and including May 31, 1923; *Provided*, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before May 31, 1923, such application may be acted upon and approved, and the advance may be made or the notes, drafts, bills of exchange, or other securities purchased at any time prior to June 30, 1923.

Sec. 2. That the second paragraph of section 12 of title 1 of the War Finance Corporation act, as amended, be further amended to read as follows:

"The power of the corporation to issue notes or bonds may be exercised at any time prior to January 31, 1926, but no such notes or bonds shall mature later than June 30, 1926."



SEC. 3. That paragraph 3 of section 15 of title 1 of the War Finance Corporation act, as amended, be amended by striking out at the beginning of said paragraph the words "beginning July 1, 1922," and inserting in lieu thereof the words "beginning July 1, 1923."

That paragraph 4 of said section 15 be amended by striking out at the beginning of said paragraph the words "After July 1, 1922," and inserting in lieu thereof the words "After July 1, 1923."

Mr. McFADDEN. Mr. Chairman, the committee gave very careful consideration to the proposition of continuing the operations of the War Finance Corporation. We heard the Secretary of the Treasury, the managing director of the War Finance Corporation, and held quite extensive hearings, and the committee by practically a unanimous vote agreed to extend the operations of the War Finance Corporation for another year. In doing so we realized the important part which the operations of this institution have played in the rehabilitation of values of the South and in the West. The operations of the system show that total loans have been made since January 4, 1921, up to and including May 27, 1922, of a total sum of \$354,718,000; \$50,355,000 of this were loaned direct to aid in the financing of corporations under sections 21, 22, and 24 of the act approved on January 4, 1921; \$304,000,000 were loaned direct to financial institutions to aid in these same operations; \$59,392,000 were loaned to cooperative associations, largely the cooperative-marketing associations, so that the operations of this system as it stands today means that additional help is being extended to the great agricultural areas of the country which are engaged in production, and it has been shown to the committee that it is necessary to continue these operations for the period of another year. We were assured by the managing director of the War Finance Corporation that only in the greatest need, and in emergency cases, would advances be made in the future; that he proposed to extract from the would-be borrower the fact that they were unable through the regular banking and financial channels to procure the necessary assistance. Now, Mr. Chairman, I do not care to consume very much more time.

Mr. WALSH. Will the gentleman yield for a question?

Mr. McFADDEN. I will yield.

Mr. WALSH. Is it the opinion of the Banking and Currency Committee that as conditions improve in various lines of agriculture that the time will be extended for giving aid?

Mr. McFADDEN. No; the committee has been assured quite the contrary; but that the extensive operations of this corporation are such that demands are still from certain sections, which seems to make it necessary to continue its operations over a period of a year to come.

Mr. WALSH. And how has the gentleman reached the date of exactly 365 days when there will be no more need for Government participation in farm operations?

Mr. McFADDEN. I will say to the gentleman that the first proposition before the committee was for the extension of six months. The managing director felt that that was too short a time and that it should be extended a year. He gave us assurances that within the year he felt that the financial situation would have so improved in those sections of the country that are receiving aid that it will not be necessary to continue the operation over another period. I will say to the gentleman, in addition to that, that it is the report to the committee of the managing director that great relief could be occasioned if a proper plan was promulgated, and such a plan is pending before the committee now, to finance what is called short-time cattle paper loans.

Mr. LINEBERGER. Will the gentleman yield for a question there?

Mr. McFADDEN. I will.

Mr. LINEBERGER. What is the term for which interest has to be paid on the cattle paper—six months or a year?

Mr. McFADDEN. That was not determined. I do not think there is any time specifically fixed, but there is need for the financing of cattle paper from six months to three years. I think a general plan of not to exceed one year would take care of the situation.

Mr. LINEBERGER. I meant the interest payment. I know the cattlemen in my section of the country have had great difficulty because they have exacted the interest payments each six months.

Mr. McFADDEN. I will say to the gentleman the committee has not given consideration to that bill as yet, and I am not very familiar with all the details, especially the rate of interest and the payment of interest.

Mr. WALSH. Will the gentleman state that these men are being required to pay interest on these loans—these cattlemen?

Mr. McFADDEN. Why, certainly, the cattlemen will pay interest on the loans the same as any other borrowers.

Mr. GARNER. It is not as if you sent it to Massachusetts, where you get it free of charge. The western and southern fellows pay interest.

Mr. WALSH. That is a good claim for the gentleman from Texas to make. I hope the chairman of the Committee on Banking and Currency can produce records to substantiate the claim. Has the gentleman any information which leads him to believe that this will be the only extension asked for by these agriculturists, who have had such hard sledding, as the result of this deflation, which never should have occurred, according to some of them, that this will be the only extension they will need, or has the gentleman any information which leads him to think that this is going to be a permanent institution?

Mr. McFADDEN. I have no information to indicate that it is going to be a permanent institution. On the contrary, I have heard the statement made before the committee, by the managing director of the War Finance Corporation, Mr. Eugene Meyer, that this would be the last extension that would be necessary. The Secretary of the Treasury thought six months would do. Now, on the question of the interest payment on these loans, I would refer the gentleman to the law that provides a definite and fixed rate of interest on the loans made by the corporation.

Mr. WALSH. We provided when we made advances for the purchase of seed grains that it should be repaid, but you look at the records of that transaction and you will find that a very small proportion of it has ever been repaid, and they came in and got a further advance—these same people who are asking the War Finance Corporation to be continued for their benefit.

Mr. McFADDEN. I will say to the gentleman in answer to the question that he has raised that the War Finance Corporation are collecting more than they are loaning daily now, and they do collect a stipulated rate of interest on every one of these loans, in accordance with the law. The total amount of loans outstanding as of June 1, 1922, is \$247,851,998.17.

Mr. TOWNER. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. TOWNER. For the benefit of the gentleman from Massachusetts, I wanted to call attention to the last statement which the gentleman from Pennsylvania made. Now, these loans are being liquidated. Every week and every month they are collecting more than they pay out, and it is expected that the entire necessity, perhaps, for these loans will have expired at the expiration of the year. I am frank to say that if it does not I think they will be so reduced that even the gentleman from Massachusetts will not complain about the situation at the end of the year.

Mr. WALSH. This is, I suppose, if the gentleman from Pennsylvania [Mr. McFADDEN] will permit, another cog in the program of taking the Government out of business?

Mr. TOWNER. Let me answer the gentleman from Massachusetts, if the gentleman will permit. We have not been trying to take the Government out of business.

Mr. WALSH. You have not been trying to do it, but only promised to do it.

Mr. TOWNER. Do not interrupt, please. We have been trying to put the farmer of the United States into business, and that has been for your benefit as much as for theirs.

Mr. WALSH. Oh, yes—

Mr. GARNER. I want to ask the gentleman a question. The gentleman from Massachusetts speaks about the interest rate and whether or not it is to be extended. If the gentleman from Massachusetts and his party has the statesmanship which they boast of, and which I think they have if they have the courage, they will pass a substantive law extending the loaning of credit to the farmers and stock raisers of this country, that ought to be passed and put on the statute books and ought to have been done when the Federal reserve system was created. The farmers and stock raisers of this country must have at least nine months more if they are going to properly market their products. Under that system at this time they have a limit of six months. Some system ought to be devised by the gentleman from Pennsylvania, or suggested by the gentleman from Pennsylvania, whereby the raisers of stock will be able to get credit that will enable them to market their products.

Mr. WALSH. When this new member of the Federal Reserve Board gets the dirt off his hands he will arrange a system for them.

That was the claim of the old Populist Party after the Civil War days, and it is being made here now on the floor, not only by the gentleman from Texas [Mr. GARNER], who represents one of the parties in the House, but by others who represent other parties in the House.

Mr. GARNER. The trouble with the gentleman from Massachusetts is that when this new member of the Federal Reserve Board gets the dirt washed off his hands he will not pay any attention to these recommendations unless they come from the gentleman from Massachusetts.

Mr. WALSH. Well, the gentleman from Texas may have recommendations to make for his constituents in the fall when they begin picking cranberries.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. I am trying to get through and give time to gentlemen to whom I have promised time.

Mr. KINCHELOE. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. KINCHELOE. The gentleman from Pennsylvania a moment ago seemed to refer to a statement there, showing by items where this money had been loaned, and to whom. Has the gentleman information as to how much was advanced to the Burley tobacco growers of Kentucky?

Mr. McFADDEN. I will state to the gentleman that the report I have here shows that in financing exports under that section there was financed for the tobacco interests \$3,937,000, and in addition there were loans made through financial institutions for the financing of tobacco to the extent of \$10,000,000 and there were other loans made through financial institutions of the different States, which I presume went indirectly in some part to financing tobacco.

Mr. KINCHELOE. I did not know the amount, but whatever the amount was that was loaned was paid back to the Government long before it became due.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes; I yield.

Mr. MONDELL. Following the line of inquiry and suggestion made by the gentleman from Texas [Mr. GARNER] it is a fact, as I understand it, that the Committee on Banking and Currency now has before it a number of suggestions of legislation purposed to give us a permanent system of stock and farm loans which will afford a longer period of credits than ordinary banking institutions furnish?

Mr. McFADDEN. The gentleman is correct. The Committee on Banking and Currency has before it and is considering now in hearings the so-called Anderson bill, which is the result of a report of the Joint Commission on the Agricultural Inquiry. It also has before it the bill of Representative Strong of Kansas proposing to amend the Federal reserve act by providing long-term credits for farmers. The committee also has before it the bill I have introduced at the instance of the War Finance Corporation, or that of Mr. Meyer, the managing director, proposing a method whereby longer-time cattle paper can be financed. I will say to the gentleman that the committee is very carefully and seriously considering the very proposal that the gentleman from Texas [Mr. GARNER] suggests—that is, proper relief and better relief for the farmers on longer-term credits.

Mr. GARNER. What are the prospects of getting legislation of that character?

Mr. McFADDEN. I think they are very good, sir. There are other bills which I do not recall to mind now in connection with this same subject, and the committee is giving very careful attention to all of them. It is the intention of the committee at an early date to report out some very definite conclusions along this line for the benefit of the farmers of the country.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. KNUTSON. The legislation that the gentleman mentions as being before the committee at the present time does not limit the loans to be made to cattle raisers, does it?

Mr. McFADDEN. One of the propositions does, but the Anderson bill provides for short-time credit for all agricultural production in general and marketing as well.

Mr. KNUTSON. When can we look for this bill to be reported out?

Mr. McFADDEN. I can not give the gentleman a definite date, but the committee is giving very careful consideration to these measures, and daily new suggestions are being made in the light of present-day events, which are very helpful.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. MONDELL. The extension of the War Finance Corporation is for the purpose of giving the country the very great benefit of the activities of that organization until such time as we may hope for permanent legislation covering the same class of credits and possibly a broader class of credits?

Mr. McFADDEN. That is the idea exactly. The committee are of the opinion that there should be relief to the agricultural interests, more relief than they are getting through the farm loan system and through the Federal reserve system, and they are imbued with the idea also that the continuance of the operations of the War Finance Corporation, which I said the other

day "is the back door to the Treasury," should be discontinued, and that proper legislation should be enacted to give relief to the demands for short-time credit which lie in between the relief afforded by the Federal reserve system and the farm loan system, and permit the closing down of the operations of the War Finance Corporation in an orderly manner.

Mr. WALSH. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. WALSH. If that is the case, why does not the gentleman report out those bills and not extend the life of the War Finance Corporation for another year?

Mr. McFADDEN. The gentleman is familiar with the parliamentary situation in another body, and knows how impossible it would be to get legislation of that kind through within six months.

Mr. WALSH. I do not know of the impossibility of putting through any legislation affecting agricultural interests. They are in control, and anything beneficial to them will receive consideration and go through. Now, if you are going to do that, why not do it instead of continuing the War Finance Corporation another year?

Mr. McFADDEN. I have said already that the committee have been assured that the operations of the War Finance Corporation will be tapered down and that as fast as the new facilities are available they will carry the load. Besides that the committee must have time to consider properly important legislation of this kind.

Mr. FESS. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. FESS. When the matter was up for revival before I could not give my assent to it because I thought at the time that when it expired we would be asked to revive it again, and I have felt that it would likely become a permanent agency of the Government. I should like to know whether the judgment of the chairman of the committee is that it will not become a permanent agency of the Government?

Mr. McFADDEN. The gentleman has my opinion to that effect. I do not believe it will become a permanent agency of the Government. I think its operations should be discontinued at the end of this extension.

Mr. YOUNG. The gentleman means that the War Finance Corporation will not be lending the money of the Government, but that they will mobilize the credit of the farmers through the sale of bonds, and so forth, in such a way that there will not be any burden to speak of on the Treasury of the United States.

Mr. McFADDEN. The gentleman's statement is substantially correct.

Mr. WALSH. The gentleman means that the operations of the War Finance Corporation will not be permanent, but perpetual.

Mr. McFADDEN. That the War Finance Corporation will be the means of giving the farmer credit which he has not at the present time; and I am opposed to the perpetual continuance of this corporation and am assured that it will begin to wind up its affairs at the end of this extension.

Mr. TINCHER. Has the War Finance Corporation been any burden on the Treasury?

Mr. McFADDEN. It has to this extent, that the \$500,000,000 capital which was the original capital of the institution has come from the Public Treasury.

Mr. TINCHER. That \$500,000,000 capital was not for the farmer, not for agriculture. That was for business; but just as quick as we had an amendment to the law giving a little advantage to the men engaged in actual production, then it became a serious question whether its operations should be continued.

Mr. McFADDEN. Only about \$60,000,000 was loaned to business under the original War Finance Corporation act. Since amended, it has been a great relief to the agricultural interests of the country.

Mr. TINCHER. That was only by an amendment put on last summer.

Mr. McFADDEN. A little over a year ago.

Mr. TINCHER. Now, I want to know if the country can not feel reasonably sure that this Congress will maintain in action the War Finance Corporation until such time as we can enact constructive legislation giving the men engaged in production something like equal treatment to what other business has from the banking institutions of this country?

Mr. McFADDEN. I believe the Banking and Currency Committee are impressed with the necessity of enacting proper legislation, as I have previously stated, to take care of the short-term credit needs of the country.



Mr. TINCHER. If it is for one year, it is all right, and if it is for 10 years it is all right; but the people engaged in production are entitled to the same banking facilities and advantages as those enjoyed by any other class of people.

Mr. WALSH. And they will never be put into bankruptcy either.

Mr. McFADDEN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania has used 21 minutes.

Mr. WINGO was recognized.

Mr. WALSH rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I was wondering how anybody opposed to the measure would go about it to get recognition.

The CHAIRMAN. By rising in his place, addressing the Chair, and saying that he is opposed to the bill.

Mr. WALSH. Mr. Chairman, I am opposed to the bill.

The CHAIRMAN. The gentleman from Arkansas [Mr. Wingo] has been recognized.

Mr. KNUTSON. Mr. Chairman, I would like to ask the gentleman from Arkansas if he is against the bill.

Mr. WINGO. Oh, the gentleman is not serious in asking that question. He has been here long enough to know that if there is anything for the benefit of the farmer in Minnesota or Arkansas, I am for it. [Applause.] Now, Mr. Chairman, I wish to use a few minutes and then yield to the gentleman from Mississippi [Mr. Lowrey], who wishes to discuss a non-partisan subject. The situation presented by this bill is practical, and I hope you business men will not get the impression that the bill is not for American business as much as it is for agriculture. Every business man recognizes that the interests of American business is interwoven with the prosperity and interest of American agriculture. What does the bill propose to do? It proposes to continue the operation of the War Finance Corporation for an additional year. I hope the gentleman from Massachusetts and other gentlemen will give me their attention. Gentlemen will remember that when this bill was up before I made the statement then that the American farmers were not going to get as much direct benefit from it as some people would try to lead them to believe. I made the statement then, and I think it has been borne out by the subsequent action, that the greatest benefit would come to the banks in agricultural territory. In my candid judgment the operation of the War Finance Corporation has kept at least 300 or 400 country banks from failing.

Here is the practical side, in which you business men of New England are as much interested as the people of the agricultural States. Agriculture in the West and South suffered certain losses. The farmers owed their merchants or their local banks money, which represented the losses of these farmers during the last two years. Now, there is just one alternative that confronts you. If the banks or the merchants call these loans of the farmers and wipe them out, you will put these farmers into bankruptcy, and they would not realize enough to save the merchants from bankruptcy or to save the large number of small country banks from bankruptcy. So here is the practical business proposition—to permit the War Finance Corporation to continue operations for 12 months more, because by that time there will be enough losses absorbed so that the necessity for continued operation of the War Finance Corporation will cease to exist.

Now, every man who has studied the question, and I have talked with the business men, and business men have testified before our committee that you have got to take from three to five years to enable these people in the wheat and cotton belts to absorb the losses of the last two years. Are you going to carry them until they can work out the future earnings, so that in from three to five years they will absorb those losses? Some will absorb their losses in one year, but it will take in some cases three and in some five years. That is the cold-blooded business proposition. We have by the establishment of the Federal reserve system a magnificent system for short-time commercial credit. The gentleman from Massachusetts talks about populism. There is not a single bill pending before our committee, being seriously considered, in the way of short-time agricultural credit that contains any more populism than is in the present existing commercial credit law. It says that you business men through your bankers can take up short-time liquid commercial paper, and by rediscounting get gold demand obligations on the United States Treasury. If that is good business for the American business man, why is it populism when you

propose to establish a more conservative system for American agriculture?

Why does the statesman from Cape Cod regard the established governmental paper money issuing system maintained for commercial needs as safe, sound, and statesmanlike and yet denounce as populism a proposal to establish a separate system to meet the credit needs of agriculture? Does the Government owe a special duty to commerce and industry, or does not the public welfare demand credit agencies of equal facilities for commerce, industry, and agriculture?

In the very nature of things a commercial demand deposit banking system can not take care of all the credits essential to the agriculturist and the cattle grower. The gentleman from Texas said it takes nine months at least. Every man who has studied the question knows that agriculture in America can not thrive unless it is given a stable, safe, sound credit agency that will take care of credits from 12 months to 3 years. The cattle growers out yonder in the West must have three years' credit in order to have the cattle business thrive and have it stabilized and make it profitable, in order that the American food supply may be built up instead of frozen out and destroyed. We have all got an interest in that.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Just let me finish this thought. You have an interest in that. We have provided credit agencies for short-term commercial credits. We owe the same duty to long-term personal agricultural credits, not simply to a class. We did not do that for the commercial business of the country because we wanted to help that class.

We did it because it was our duty to furnish from a public standpoint proper credit machinery in this country. We have furnished that to the commercial business of the country. It is in the interest of public welfare, the welfare of American business as well as American agriculture, to establish a safe, sane agency that will take care of the long-term personal credits of American agriculture, extending from one year to three years. There have been more banks in this country that have failed because the good-hearted banker violated the philosophy of demand-deposit banking and put out his deposits on long-term loans, so that he did not have funds to meet the demand obligation of the depositors, than for any other cause. That has caused the wreck of more commercial banks than anything else. If you establish that kind of system it will be as much for the benefit of the commercial banking system in this country as anything else, because it will leave that system free of long-term credits, and will stabilize both and add to the strength and prosperity of them. I now yield to the gentleman from New York.

Mr. SNYDER. The gentleman realizes, of course, when he speaks of short-term paper that is rediscounted, that one of the reasons for that short-term period is that it gives the banker the right to examine the credit occasionally. I agree with this extension and shall vote for it. I think the farmers should have the things that the gentleman speaks about, but too long credit in one transaction is not going to be beneficial to the farmer or anybody else.

Mr. WINGO. Oh, I must decline to yield further. If the gentleman knows anything about agriculture he knows that it can not thrive on any three months or six months paper.

Mr. SNYDER. I do know this: That it is much better for the bank and the Federal reserve system to have paper run for six months and nine months and then have it renewed than to have it run for two or three years.

Mr. WINGO. You are talking about one thing, I about another. We had to choose between two things. Will you permit the Federal reserve system to be continually loaded down with what they contend are frozen credits, or will you relieve that load and prevent the threatened bankruptcy of a lot of commercial banks? Not having established a short-term credit system for agriculture, personal credits, what did we do? We said that, as a matter of precaution, as a precaution to the commercial credit system of the country, we would establish this separate organization, the War Finance Corporation, that will ease off during this period and take care of that long-credit need until a complete agricultural system is established. It has been successful. The gentleman from Pennsylvania [Mr. McFadden] spoke truly when he said they are now refunding and liquidating rapidly. The cotton loans of Texas and Oklahoma have every one been liquidated, but there are other territories that are not so prosperous. Some farmers will take five years to absorb the loss. Some will absorb the loss this year and others will take two years, but in any event it is thought by those who are familiar with the operations of this corporation that if we give it another year that will relieve to some extent the load and give the greatest amount of relief. Most of the

relief has gone to the banks in agricultural States, and by loosening up and taking care of that class of paper it has enabled those commercial banks to take care of a greater amount of short-term paper.

As you know, I have continually urged the establishment of a separate system to meet the personal-credit needs of the farmers, and if you had done so there would have been no necessity for this legislation. But you simply have commissions and hearings and refuse to do what you should do and what I have insisted should be done; that is, establish a separate adequate system of personal farm credits. Failing in that, we Democrats unanimously support this legislation which Republican leaders have opposed.

I reserve the remainder of my time.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, I am not favorably disposed toward this measure. I opposed it at the time it was originally passed. We are hearing a rehearsal and a rehash of many of the arguments advanced at that time as to why this should be revised. Now, it seems to me that with all of the facilities that have been created and set up in order to help the downtrodden farmer finance his operations that they might well go along without carrying this instrumentality of the Government over for another year. Why, the other day we passed a bill which is going to make it very easy for anybody with high boots and overalls to arrange for loans through banks in the Federal reserve system. We provided that that board should have upon it a representative of the agricultural industry. We have also farm loan banks—joint-stock loan banks which are operating primarily for the benefit of the agriculturists. The gentleman from Arkansas [Mr. WINGO] would prefer rather than have loans made on short-term paper that the loans be extended over three years, during which period the credit of the farmer would gradually decrease, and at the end of that period Uncle Sam would be left standing at the gate holding the bag and whistling for the money. I have read the very eloquent and expressive speech of the gentleman from North Dakota [Mr. YOUNG], in which I find that the War Finance Corporation has loaned something like \$341,000,000, of which some \$21,000,000, or nearly 6 per cent, was loaned in the State of North Dakota, and that \$15,000,000 of that was the first loan which was authorized to be made to the Equity Cooperative Exchange, the greatest cooperative organization in the United States, with over 23,000 farmer stockholders; and yet we have been told from time to time that there is no cooperation among the farmers, and, of course, I suppose that is true, except when it comes down to getting money loaned through Federal aid.

I have read with a thrill of pleasure and emotion I can not describe some of the commendations of various organizations out in the great agricultural reaches of the country upon the noble work accomplished by the distinguished gentleman from North Dakota, all of which I heartily indorse and trust that notwithstanding the character of the affiliations of some of the gentlemen who have burst into print in his behalf that he may, overcoming all obstacles, be permitted to retain his seat here in the House and continue his good work for these poor producers, who are practically the only people in the country to-day whose business is going along and increasing in the amount of production and also in other respects. I find that the Washington headquarters of the Farmers' National Council, which includes in its list of members the vice president of the National Non-Partisan League, has written a letter saying they are very prone to forget and ignore the work that is being done by Members of Congress for the farmers. How remarkable, Mr. Chairman, that these beneficiaries out there in his section of the country should forget that practically every day that the sun rises and sets a part of the money which they use in their work comes through Federal activities, and they remember the source of the money but forget the work of the gentlemen who have made it possible for them to secure this great aid. In some of these recommendations we find that the gentleman from South Dakota is a member of the farmers' bloc. Of course, the rules of the House will not permit me to refer to Members of the other branch. The Member of the other branch is referred to in this document as the head of the bloc. [Laughter.]

GEORGE M. YOUNG should be reelected to Congress because he is an important member of the farm bloc. We, of the great wheat State, agree with the Senator. And we believe Young will be reelected by a greatly increased majority.

[Applause.]

Now, I assume the farmers of North Dakota will welcome the cooperation of a representative of the agricultural interests of Cape Cod and will not resent a few casual observations of that representative as to the activities of the gentleman from North Dakota along agricultural lines here upon this floor.

The main part of the speech is devoted to an explanation of this War Finance Corporation. The evident expectation of the gentleman from North Dakota is that even though this should be extended for another year it would not adequately meet the situation. He seems to bemoan the fact that if the War Finance Corporation were to cease operations at this time the large cash capital which it now has will be transferred into the general fund of the Treasury. What a misfortune that would be to the country at large that any amount of large cash capital now outstanding in the hands of any Government agency should be transferred to the Treasury. And later there would be increased difficulties in having such funds made the basis of a permanent farm credit system.

Evidently we are to hear later in the hearings before the Banking and Currency Committee of some plan whereby these three to six year credits can be extended, and Mr. Eugene Meyer can switch the funds now in possession of the War Finance Corporation into some other agency whereby they, together with other millions, can be available for long-time credits for the purpose of financing the sheep and cattle grower of the South and West.

The present law is temporary. While it has been criticized, there has also been quite general recognition of the fact that it has done much good, and all agree that there has been disappointment. If there has been disappointment, it has not been because of any lack of effort or lack of ability or lack of enthusiasm upon the part of the administrative board.

Mr. HERRICK. Will the gentleman yield?

Mr. WALSH. I trust the gentleman will not destroy the flow of my remarks.

Mr. HERRICK. I would like to ask the gentleman a short question.

Mr. WALSH. If the gentleman will permit me just a few moments more, I will let him insert his peroration in my remarks. He certainly ought to be satisfied with that. [Laughter.]

Mr. HERRICK. Just one short question.

Mr. WALSH. I will answer it a little later.

Mr. HERRICK. I would rather ask it now.

Mr. WALSH. I may not be able to answer it now.

Mr. HERRICK. I only wanted to ask this: The distinguished gentleman from Massachusetts seems to be terribly worried that a little assistance to those farmers out in the West and South is awfully populist and paternalistic, and getting the Government in business, and so forth. I would like to ask the gentleman if, after due consideration, he can see anything more paternalistic or more populist in this species of aid than he can in the proposition to extend Government aid in the form of a ship subsidy to his citizens back in New England and his constituents in particular back in Massachusetts? You ought to understand that we are hearing an awful lot about ship subsidy. Of course, these shipowners will be quite appreciative of the gentleman from Massachusetts for a ship subsidy. [Applause.]

Mr. WALSH. Well, I would like to say to the distinguished agriculturist and breeder of Hereford shorthorns and white-faced prize winners, that I believe that the aid rendered to shipping through subsidy is paternalistic and is keeping the Government in business; that we have been in business for a number of years through shipping and have squandered a good many millions of dollars.

Mr. HERRICK. I am extremely glad to hear the gentleman make that statement. I am hoping that when the ship subsidy bill is up he will be against it.

Mr. WALSH. We can all tell that the gentleman is glad. One glance at his radiant countenance can but tell how glad he is at the response of the "gentleman from Massachusetts."

Mr. Chairman, I doubt whether lending this form of assistance to the farmer is going to be for their best interests. If we get the agricultural sections of this country into the frame of mind that whenever misfortune threatens or whenever hard times approach, all they need to do is to make a demand and the Government will come to their aid, you will find that you will not have very many self-reliant and, in a few years, very many self-respecting farmers throughout the land. Why, the old pioneers that went forth and conquered the wilderness and built up the agricultural sections of this country were never given the benefit of the assistance which is proposed nowadays. They went out and conquered in spite of all obstacles. And I



believe the sooner we cease holding out to these people the idea that we will aid them because they are farmers and can call upon the Federal Congress for assistance, the better in the end it is going to be for them. That is the result of the formation of these class blocs, so to speak, in the Federal Congress, men who will vote for and who devote most of their energies to measures, many of which have not been properly considered, simply upon the ground that they will aid agriculture and increase production.

Now, I believe, particularly in view of the program which the gentleman from Pennsylvania, the chairman of the Committee on Banking and Currency, has outlined, as brought out by the question of the gentleman from Wyoming [Mr. MONDALL], the distinguished majority leader, which question was prompted by the suggestion of the gentleman from Texas [Mr. GARNER]—he who has in days gone by raised his voice to the high heavens in behalf of the Angora goat—I believe in view of that program, it were better if we went ahead with the proposition to provide long-time credits for the stock raisers and to permit longer credits to be established for the agricultural interests, and say to them that as long as that is allowed we proposed to enact it; and if it does not come until after the expiration of the War Finance Corporation, which expiration will probably come during the immediate summer, when the need for it will not be so great, it will be better for the farming interests, rather than to continue this for another year, because we all know that the oftener we extend the life of Federal boards and commissions, whether it be for a short time or for a long time, the more nearly we make those organizations and Federal activities permanent; and I believe that it is expected by some, particularly the beneficiaries in certain sections of the country, that this War Finance Corporation is going to become a permanent institution. I do not believe it ought to. I believe we should endeavor to withhold many of these activities which have been operating now and see if we can not let the farmer, as well as the other business of the country, go along relying upon his own resources. By doing that, with a little self-reliance, he will come out at the head of the procession in the end. For that reason I am opposed to continuing this War Finance Corporation another year. [Applause.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts reserves the balance of his time.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. Young] such time as he desires.

The CHAIRMAN. The gentleman from North Dakota is recognized.

Mr. YOUNG. Mr. Chairman, it is true, as stated by the gentleman from Massachusetts [Mr. WALSH], that the War Finance Corporation loaned a large amount of money in North Dakota. The corporation undertook under the law to loan money where it was needed. We needed large sums of money, and I think, to the credit of the War Finance Corporation, we got them. But I will say this: Not a single dollar was loaned there without excellent security. The Government will take no losses on its North Dakota loans.

Now, as to the farm bloc, it is true we have a pretty well-defined group interested in seeing that justice is done to the great farm industry. And some of us think that that industry has been getting better and more fair attention. And if the proposals made by our farm group were not fair and just the Members of this House would not have adopted them.

Mr. Chairman, I am glad that this bill extending the life of the War Finance Corporation is to be passed this afternoon.

As explained to the House when I spoke on this question before, perhaps the most important reason for extending the period within which the corporation may make loans is to keep intact its cash balances, so that whatever system of personal farm credits is hereafter adopted there will be sufficient money which can be diverted from the War Finance Corporation to start the new system fully equipped to take care of farm credits adequately.

If I were to criticize the bill introduced by Mr. ANDERSON it would be to suggest that the amount of cash capital proposed by him—\$1,000,000 for each bank—is entirely too small to take care of the business which will doubtless be offered. In the plan proposed by Mr. ANDERSON, and in any plan yet suggested, and under the plan now being worked out by a committee of the farm bloc it is proposed that there shall be created a division or department of each Federal land bank to handle personal farm credits for the purpose of financing farm business where production requires from six months to three years, and to do this money is to be raised by the issuance of bonds secured by such farm paper.

Anyone who has given careful thought to this subject will agree that it will not be possible to handle such business to advantage and sell the bonds unless they are offered in comparatively large amounts, and the bonds can not be sold with security deposited for their payment until after the loans have been made and the money advanced. To do this each bank should have \$7,500,000 capital to finance commodity farm production.

The United States Grain Corporation made profits amounting to \$48,000,000. These profits were made entirely out of handling grain produced by farmers, and in all fairness belongs to them. Large profits have been and are now being made by the War Finance Corporation. I venture to say that the profits made by the United States Grain Corporation plus the profits made by the War Finance Corporation will be sufficient to adequately capitalize the proposed personal farm-credit division of each of the Federal land banks, and the entire original fund supplied by the Government to the War Finance Corporation can be returned to the general fund of the Treasury.

Mr. Chairman, I ask permission to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. WINGO. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. Lowrey].

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. LOWREY. Mr. Chairman, I have not risen to discuss any measure now before this Congress. For more than a year now, since I have been privileged to take part in the deliberations of the House, we have heard in practically every utterance before us one constant monotone of "Trade."

There has been the constant jingle in our ears of dollars and cents. And I make no objection that such has been true. It has been necessary, for the people whom we represent have been laboring under terrible material need. Their loads have been heavy with tax, and have been heavier with more or less artificial conditions, which in many instances have taken from the money value of their raw products and have added to the cost of their bare necessities. It is not for me in the present instance to discuss whether or not our efforts here have availed anything, or why or how they have failed. Those things we have all discussed, and will discuss again. But certain it is that we could in no wise have discharged the duties pertinent to the office which we hold had we not for these months addressed ourselves very largely to matters of revenue and public expenditure, of debt and credit, and rate and trade.

But as I say, with your indulgence, Mr. Chairman, and with the indulgence of my fellow Members, I want to turn aside for these few minutes. I shall discuss, I believe, a matter of public policy no less pertinent to our office and, I venture, no less vital to our national welfare. Christ said to us that man should not live by bread alone. Nor shall a nation. Coequal with our national material consciousness we must have a national moral consciousness. We must have, and do have, a national character. That character, in the nation as well as in the individual, grows out of the past. "We are a part of all that we have met." In the nation, as in the individual, it is fatal to turn toward the past and to take our being in it. But it is equally fatal to face the future without a consciousness of the past. The man of character does not talk largely to the people he meets of the fires which have molded his character, but as he faces a new testing he has within himself faith and courage born out of the past. So the nation which parades over much its "glorious past" argues its own youthfulness. Nevertheless it does become us to speak on occasions of our national past and reverently to take counsel of it.

We have again reached Decoration Day. My mother bore me, Mr. Speaker, almost within earshot of the guns at Shiloh and Corinth. The first time I ever lay in my father's arms I lay against the Confederate gray. Until recent years Decoration Day meant little to me. My people, when they thought of it at all, thought of it as a day peculiarly given over to sectionalism. When they read addresses made in the National Capitol on that day they occasionally found, I am afraid, things which offended and wounded. When they read articles which came to them in national publications they sometimes put down their papers wondering whether there had been reunion or conquest. Needless to say, gentlemen, this feeling of separateness on our part, or on the part of any group of American citizens, constitutes a menace to the well-being of the Nation. It is a matter of urgent public policy to go about healing such a breach. And we, all of us, feel, I am sure, devoutly thankful that so great progress has been made.

A year ago—on the 5th of June—I had the honor to address the Confederate veterans of Washington on their memorial day at Arlington. By generous request of the gentleman from Tennessee [Mr. GARRETT] my address was published in the RECORD. With a definite purpose, I quote a few passages:

We are met—

I said—

in historic Arlington, made sacred by its consecration to be the resting place of thousands who have dedicated their lives to their country's cause.

Far be it from me on such an occasion to utter words that would stir sectional strife or arouse animosity of any kind. Yet to us of the South, Arlington is a place of peculiar consecration and peculiar sorrow. Linked with it indelibly in our minds and hearts is the name and silent glory of Robert E. Lee, who has been called "the most stainless of earthly commanders and, save in fortune, the greatest." A man who, in the words of Ben Hill, of Georgia, was—

"Caesar without his ambition, Frederick without his tyranny, Napoleon without his selfishness, and Washington without his reward."

This immediate spot whereon we meet is made to us the holy of holies by the graves of hundreds of heroes of the "lost cause," mistakenly so called, and by the living benediction of this remnant of that army which, considering all its disadvantages and handicaps, fought a fight that will be the wonder and admiration of historians for all ages. The army of which a Union soldier who had followed Sherman against Joseph E. Johnson said:

"When you hear a northern man speak disparagingly of the southern soldiers you may know that he never came up against them. We who had to face that thin line of rebel gray knew that we were disputing with just about the best valor the world ever saw."

No, gentlemen of the old Confederacy, no man ever faced you and called you coward. They may through misunderstanding have thought your ideals perverted; they may through misinformation have believed your aims sordid; they may through inexperience have imagined you barbarians; but I find that they all, speaking as with authority, render you the homage of Rudyard Kipling, in paraphrase:

"He's a daisy, he's a ducky, he's a lamb,

He's a injia-rubber idiot on a spree.

He's the only thing that doesn't care a damn

For a regiment of Yankee Infantry.

So here's to you, rebel soldier, in your home in Dixie lan',

You're a poor benighted heathen, but a first-class fightin' man."

You were not rebels, you were not traitors; you were patriots, and American patriots. You fought for rights guaranteed to your fathers under an American compact. When that guaranty was erased by the sword and a "higher law," as they said, was written in its place, as Americans you accepted the decision.

You have been called upon to pay tribute to the valor of the North, and gladly you have paid it. As worthy foemen you have honored them; as honest foemen you have respected them; as reunited brethren you have worked with them; as comrades in arms your sons have shed a common blood under a common flag with theirs through two wars in common cause. For more than half a century your money has been added to theirs to pension the veterans of the Grand Army, against which you fought; to buy, beautify, and maintain Federal cemeteries from Gettysburg to Vicksburg; to erect monuments to their leaders.

Here in Arlington you are permitted to bury your dead; you have been permitted to raise your monuments. Yet you look here on the home of Robert E. Lee, kept not as the home of Lee but as a house of business and convenience, stripped of every vestige of its former glory.

Within the week the President of our Nation has declared of the North and South:

"There is no longer any sign of conflict. We are united in the sweetest concord that ever united men."

The Secretary of the Navy has said publicly in a southern city:

"I am a northerner, but first I am an American. You can not take from me my pride in Lee and Jackson and Pickett and your immortal Forrest."

This is nobly spoken. And if its leaders can speak thus, can not the Nation? Then let the names of Lee, of Jackson, of Stuart, of Forrest, of Semmes, and of Davis take their rightful places by the names of Grant, Thomas, Sheridan, Sherman, Farragut, and Lincoln. Is it reasonable to deny this simply because they lived south of the Mason-Dixon line; simply because they fought against the Government that kept its seat in Washington? Are there no precedents? Have you forgotten that the body of Cromwell was hanged at Tyburn, and that to-day the Island Kingdom is filled with statues to him, erected by a Government bearing the same name as that which he destroyed? Is there not echoing in your ears even now the voice of a Briton declaring the rebel Washington to be the "greatest Englishman"?

Let us teach the children of the Nation that American valor is American valor, wherever found. Let the home of Lee, as the home of Washington, be held sacred in the hearts of the people. Let it be kept in its original form and beauty, the peculiar care and treasure of the Daughters of the Confederacy, as Mount Vernon is kept by a band of noble women.

Then, indeed, will "we dwell together in the sweetest concord that ever united men." Then, indeed, will we be not northerners and southerners, but Americans. Then, indeed, will the blood of your young men at San Juan Hill, at Belleau Woods, and at the Argonne, shed under a common flag and in a common cause, have sealed our hearts with a bond eternal.

When this speech went out I received kind letters from friends North and South. One of the kindest was from the gentleman from California [Mr. OSBORNE], who has the distinction of being the one old Union soldier in this House. I take the liberty to quote a part of that letter.

The more inseparably we are cemented—

He said—

the greater will be our country. Nothing to that end should go undone. Much already has been done; perhaps all can not be done whilst we both live. But we may believe and fervently hope that some day it will be.

Not many days ago we heard a southern Democrat on this floor speak of General Grant, "Who was as generous as he was brave"; and we have witnessed under the very shadow of the Capitol the unveiling of the Grant Memorial, where the most striking tribute paid to the Union commander came from the present commander of the United Confederate Veterans.

Why should it not be so? Men who are gallant enough to fight as these men fought are usually generous enough to do each other justice when the fight is over. It is typical of the spirit of the Nation. The great objective to which we all are now striving is permanent world peace; and the eyes of the world are turned to America for leadership. If we are to lead the world to peace we must be at peace among ourselves.

Twenty-five years ago I came to Washington, as people do occasionally, with a party of sightseers—about 100 persons, all of them southerners. Most of them were on their first visit to Washington. I noted with grief, and yet with approval, their expressions of disappointment that in and around the splendid residence of Robert E. Lee there was not one thing to remind us by atmosphere that this was once his home. There mingled into our party a stalwart New Englander who had come to visit the grave of his father. As he heard these expressions from my southern friends he quietly remarked, "I don't blame them. I should feel that way myself."

From that day to this I have had a growing conviction that this thing ought to be changed, and that one day it would be changed. There is reason enough in the man, Lee, himself for the change. "His enemies themselves being judges," he stands as one of the purest and gentlest and at the same time one of the most brilliant and heroic men in American history.

I need not argue other reasons. They are obvious. The loyalty of the South is established—sealed with the blood of her sons. Before the secession she had given largely to the building of the Nation. Since the reunion she has given just as generously. I would not say that she has come back to the Nation conquered, because in her attitude toward the Government she has exhibited none of the animus of the defeated and none of the sniveling of the cowed. I do not know another case in history where a people have mastered themselves with the strength and poise of their own character as hers have. In Europe—and I mean no reflection—such a situation as existed at the close of the Civil War in this country would have been the breeding for a score of wars and provincial hatreds to a dozen generations. The South has come back with head erect and eyes unafraid, having fought to her last energy for a principle which she considered vital, but accepting the verdict of battle with good grace and honest courage.

As my good friend, Mr. OSBORNE, agreed in the letter to which I have referred, we each fought as Americans for what we believed to be American rights, and the valor of both sides is a heritage to all Americans.

If this brotherhood does exist in our hearts it is certainly reasonable to expect that it be given material expression and that we make haste to remove such material conditions as exist in contradiction to it.

May I make this suggestion? What would have been the reaction in the minds and hearts of most of the gentlemen here had the South opposed the erection of the Grant or the Lincoln Memorial? And who did not feel a thrill of gratitude and joy when the South so wholeheartedly entered into the dedication of those memorials? We do not offer the erection of a memorial. We simply offer the proper preservation of one. Is it fitting that any should oppose? There has "come to the kingdom for such a time as this" an advocate of the Lee memorial who is greater than I, one who is peculiarly fitted for the work and who is in position to promote it more effectively and more gracefully, I am sure, than any of us here. She is a woman, a Virginian by birth and a New Englander by parentage, a woman of broad culture and large ability, a writer of distinction, the wife of a New England Senator. By birth and lineage and by ability and social position she is equipped to influence the people North and South. I refer to Mrs. Frances Parkinson Keyes.

At Richmond, Va., and elsewhere she has eloquently advocated the proper maintenance of the Arlington Mansion through the agency of the United Daughters of the Confederacy. Through her charming "Letters from a Senator's wife," published in Good Housekeeping, she has aroused the interest of people over the entire country, and by her personal efforts here in Washington she has gained assurance of support. In due time, when preliminaries have been properly arranged, we hope to see proceedings instituted which will give the United Daughters of the Confederacy proper authority for restoring the home of Lee and for saving it to his memory as Mount Vernon has



been restored and maintained to the memory of Washington. To that end I bespeak the cooperation and support of Members of this House and of Americans everywhere. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WALSH. Mr. Chairman, I desire to yield the balance of my time to my colleague, Mr. LUCE. I think I have 42 minutes.

The CHAIRMAN. The gentleman from Massachusetts yields 42 minutes to his colleague [Mr. LUCE].

Mr. McFADDEN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Pennsylvania has 37 minutes remaining.

Mr. McFADDEN. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (S. 2775) to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921, had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. WALSH, by unanimous consent, was granted leave of absence, for one day, on account of business.

#### ADJOURNMENT.

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Saturday, June 3, 1922, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

621. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting copy of a cablegram received from Hon. C. M. Cotterman, president of the American Chamber of Commerce of the Philippine Islands, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 11477. A bill granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of the Big Sandy River, in Pike County, Ky.; without amendment (Rept. No. 1056). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VINSON: Committee on Naval Affairs. H. R. 10555. A bill for the relief of Russell Wilmer Johnson; with an amendment (Rept. No. 1057). Referred to the Committee of the Whole House.

Mr. KRAUS: Committee on Naval Affairs. H. R. 968. A bill to change the retired status of Chief Pay Clerk R. E. Ames, United States Navy, retired; with an amendment (Rept. No. 1058). Referred to the Committee of the Whole House.

Mr. STEPHENS: Committee on Naval Affairs. H. R. 9081. A bill to reimburse certain persons for loss of private funds while they were patients at the United States Naval Hospital, Naval Operating Base, Hampton Roads, Va.; without amendment (Rept. No. 1059). Referred to the Committee of the Whole House.

Mr. PATTERSON of New Jersey: Committee on Naval Affairs. H. R. 8683. A bill for the relief of John F. O'Neil; without amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. McCORMICK: Committee on the Public Lands. S. 2004. An act for the relief of the First International Bank of Sweetgrass, Mont.; without amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 11740) providing for a preliminary examination of the Brazos River, Tex., with a view to the control of its floods, and the same was referred to the Committee on Flood Control.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 11869) to authorize the sale of lands and plants not longer needed for Indian administrative or allotment purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 11870) to define the availability of a deficiency appropriation for support of Indian schools; to the Committee on Appropriations.

By Mr. TAYLOR of Colorado: A bill (H. R. 11871) for the further protection of homestead and desert-land entrymen of public lands where, subsequent to entry, the mineral deposits are embraced in permits or leases, or are otherwise disposed of; to the Committee on the Public Lands.

By Mr. DENISON: A bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: Resolution (H. Res. 360) for the immediate consideration of House Joint Resolution 322; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWLING: A bill (H. R. 11873) authorizing the Secretary of the Interior to sell and patent to George M. Bailey certain lands; to the Committee on the Public Lands.

By Mr. BRENNAN: A bill (H. R. 11874) for the relief of Kathleen Blackwell; to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 11875) granting a pension to Alice L. Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11876) for the relief of Margaret Moser; to the Committee on Claims.

By Mr. EDMONDS (by request): A bill (H. R. 11877) for the relief of the International Manufacturers' Sales Co. of America (Inc.); to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11878) granting an increase of pension to William T. Litteral; to the Committee on Invalid Pensions.

By Mr. RIDDICK: A bill (H. R. 11879) for the relief of Elizabeth McKeller; to the Committee on Claims.

By Mr. TAYLOR of New Jersey: A bill (H. R. 11880) granting a pension to Frances B. Eaton; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11881) granting a pension to Grant Brown; to the Committee on Pensions.

Also, a bill (H. R. 11882) granting a pension to Sarah Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11883) granting a pension to Nancy D. Kitts; to the Committee on Pensions.

Also, a bill (H. R. 11884) granting a pension to Bennie Nelson; to the Committee on Pensions.

By Mr. WEBSTER: A bill (H. R. 11885) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5868. By the SPEAKER (by request): Resolution adopted by the Cleveland Grays, urging the passage of House bill 11066, for the establishment, maintenance, and organization of a naval reserve; to the Committee on Naval Affairs.

5869. By Mr. DOWELL: Resolution adopted by the Presbytery of Indianola, Iowa, indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5870. Also, resolution adopted by the Presbytery of Indianola, Iowa, indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5871. Also, resolution adopted by the Presbytery of Indianola, Iowa, indorsing House bill 9753; to the Committee on the District of Columbia.

5872. By Mr. FROTHINGHAM: Resolution from the Sole Fasteners' Local, No. 111, Boot and Shoe Workers' Union, Brockton, Mass., asking that the Government of the United States recognize the present government of Russia, and establish trade relations therewith; to the Committee on Foreign Affairs.

5873. By Mr. GALLIVAN: Resolution adopted by the Boston Central Labor Union, Boston, Mass., urging an amendment to the Constitution of the United States granting to Congress the power to enact legislation to make uniform in the United States a child-labor law; to the Committee on the Judiciary.

5874. By Mr. GREENE of Vermont: Petition of Vermont State Baptist Convention indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5875. Also petition of Vermont State Baptist Convention, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5876. Also, petition of Vermont State Baptist Convention, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5877. By Mr. KISSEL: Petition of National Committee on American Japanese Relations, New York City, N. Y., as affected by the Washington conference; to the Committee on Foreign Affairs.

5878. Also, petition of the American Cotton Oil Co., New York City, N. Y., relative to the proposed duty on oriental vegetable oils; to the Committee on Ways and Means.

5879. By Mr. RAKER: Petition of Commercial Standards Council of New York, N. Y., indorsing and urging the passage of House bill 10159, to prohibit bribery and other corrupt trade practices; to the Committee on the Judiciary.

5880. Also, petition of the Pennzoil Co., of Los Angeles, Calif., protesting against any changes in the transportation act of 1920, as proposed by Senate bill 1150 and House bill 6861; to the Committee on Interstate and Foreign Commerce.

### SENATE.

SATURDAY, June 3, 1922.

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. What is the pleasure of the Senate? Mr. UNDERWOOD. I presume the Senator from North Dakota [Mr. McCUMBER] desires to take up the tariff bill, and after it is laid before the Senate I shall suggest that we have a quorum.

Mr. SMOOT. The pending question is on the brick paragraph.

Mr. UNDERWOOD. But the bill was laid aside—

Mr. McCUMBER. Temporarily.

Mr. UNDERWOOD. Yes; and it has to be laid before the Senate.

Mr. McCUMBER. I ask that the bill be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The READING CLERK. The bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. UNDERWOOD. Mr. President, I think we had better let the absent Senators know that the tariff bill is before the Senate again. So I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gooding	McNary	Sheppard
Borah	Hale	Moses	Simmons
Brandeggee	Harris	Myers	Smith
Bursum	Harrison	Nelson	Smoot
Calder	Heflin	New	Spencer
Cameron	Johnson	Newberry	Stanley
Capper	Jones, Wash.	Nicholson	Sterling
Colt	Kellogg	Oddie	Townsend
Culberson	Ladd	Page	Underwood
Curtis	La Follette	Pepper	Wadsworth
Dial	Lenroot	Phipps	Walsh, Mont.
Dillingham	Lodge	Polindexter	Watson, Ga.
Ernst	McCumber	Pomerene	Watson, Ind.
France	McKinley	Rawson	Williams
Gerry	McLean	Robinson	Willis

Mr. UNDERWOOD. I was requested by the senior Senator from Florida [Mr. FLETCHER] to announce that he is unavoidably absent to-day on account of illness. I desire to have the announcement stand for the day.

Mr. McKINLEY. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from New Hampshire [Mr. KEYES], and the Senator from Wyoming [Mr. KENDRICK] are absent at a meeting of the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

### PETITIONS AND MEMORIALS.

Mr. CALDER. Mr. President, I am in receipt of certain resolutions adopted by the Central Republican Club, of New York City, calling the attention of the Senate to the failure of the Senate to enact the Dyer antilynching bill. The resolutions are signed by President Arthur B. Murtha and by Executive Member David B. Costuma. I move that the resolutions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CAPPER presented a resolution adopted by the Grade Teachers' Club, of Kansas City, Kans., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. RANDELL. I present a resolution adopted by the Grand Chapter, Order Eastern Star, of Louisiana, dated May 11, of this year, memorializing Congress to pass promptly the Towner-Sterling educational bill. The resolution is very brief, and I ask unanimous consent that it may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

ORDER OF THE EASTERN STAR, GRAND CHAPTER OF LOUISIANA,  
New Orleans, La.

Resolutions adopted by Grand Chapter, Order of the Eastern Star, of Louisiana, May 11, 1922.

Whereas the safety of our country depends upon an intelligent electorate; and

Whereas our public schools are the foundation stone of our educational system; and

Whereas there is pending before the Congress of the United States what is called the Towner-Sterling bill in the interest of the public-school system of the country; and

Whereas the passage of the Towner-Sterling bill would be to the best interests of our beloved land: Therefore be it

Resolved, That the Grand Chapter of the Order of the Eastern Star of Louisiana, in annual convention assembled, do hereby strongly indorse the Towner-Sterling bill and urge that the Senators and Congressmen of Louisiana exert every effort for its passage at an early date; be it further

Resolved, That a copy of this resolution be forwarded to each United States Senator and Congressman from Louisiana, chairman of the Committee on Education of the House of Representatives and Senate at Washington, and to Congressman TOWNER and Senator STERLING.

Mr. BROUSSARD presented the following letter with an accompanying resolution, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD:

ORDER OF THE EASTERN STAR, GRAND CHAPTER OF LOUISIANA,  
New Orleans, La., May 28, 1922.

Senator EDWIN S. BROUSSARD,  
United States Senate, Washington.

MY DEAR SENATOR BROUSSARD: In keeping with instructions, I am inclosing herewith copy of resolution adopted at our recent meeting of the Grand Chapter, Order of the Eastern Star, at Lake Charles, with request that you introduce same in the CONGRESSIONAL RECORD.

Assuring you of our appreciation of any consideration you may give this matter, I am,

Yours very truly,

F. B. NELKEN, Grand Secretary.